

## Chapter 2 The Texas Constitution

### Multiple Choice Questions

1. The Constitution of *Coahuila y Tejas* \_\_\_\_\_.
  - a. formally incorporated Texas into the Republic of Mexico for the first time
  - b. was the foundation of the Republic of Texas and Coahuila
  - c. was the constitution established by the Spanish in 1827
  - d. established a unicameral legislature for the Mexican state that combined Coahuila and Texas

**Answer:** d

**Topic:** The Constitutional Legacy

**Learning Objective:** 2.2 Describe the historical influences, similarities, and differences among Texas's first six constitutions.

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

**Skill Level:** Understand the Concepts

**Difficulty Level:** Moderate

2. How was the Texas Constitution of 1869, which was adopted during the Reconstruction era, different from the current Texas Constitution?
  - a. The Texas governor had a two-year term.
  - b. There was no reference to a centralized, public school system.
  - c. Legislative sessions were mandated to be held annually.
  - d. African Americans were not allowed to vote.

**Answer:** c

**Topic:** The Constitutional Legacy; The Constitution of 1876

**Learning Objectives:** 2.2 Describe the historical influences, similarities, and differences among Texas's first six constitutions; 2.3 Discuss the origins of the Constitution of 1876, its general principles, and the weaknesses and restrictions it still imposes on state government today.

**Texas Government Learning Outcome:** Explain the origin and development of the Texas Constitution; Describe separation of powers and checks and balances in both theory and practice in Texas; Identify the rights and responsibilities of citizens.

**Skill Level:** Analyze It

**Difficulty Level:** Difficult

3. Which of the following statements is true about Texas government under the Constitution of 1876?
  - a. The governor is a powerful chief executive.
  - b. The legislature is unicameral.
  - c. It establishes a part-time, biennial legislature.

- d. The judiciary is appointed by the governor.

**Answer:** c

**Topic:** The Constitution of 1876

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**Texas Government Learning Outcomes:** Explain the origin and development of the Texas Constitution; Describe separation of powers and checks and balances in both theory and practice in Texas; Identify the rights and responsibilities of citizens.

**Skill Level:** Understand the Concepts

**Difficulty Level:** Moderate

- 4. What is the purpose of statutory law?
  - a. to expand upon the general provisions for the framework of government laid out in a constitution
  - b. to directly involve voters in crafting legislation
  - c. to establish the basic principles of a constitution
  - d. to allow the executive to establish policies that are consistent with the constitution

**Answer:** a

**Topic:** Constitutionalism

**Learning Objective:** 2.1 Identify the functions of a constitution and place the Texas Constitution in a national comparative context.

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

**Skill Level:** Understand the Concepts

**Difficulty Level:** Moderate

- 5. The first of the seven constitutions that have governed the land currently occupied by the State of Texas was adopted when Texas was\_\_\_\_\_
  - a. a Spanish colony
  - b. a Mexican province
  - c. an independent republic
  - d. part of the Confederacy

**Answer:** b

**Topic:** Constitutionalism

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

**Skill Level:** Remember the Facts

**Difficulty Level:** Easy

- 6. Scholars believe that constitutions should \_\_\_\_\_
  - a. be detailed documents, so all officeholders know what to do

- b. provide specific instructions to the branches of government
- c. contain specific legislative provisions
- d. be concise and contain general principles

**Answer:** d

**Topic:** Constitutionalism

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**Skill Level:** Understand the Concepts

**Difficulty Level:** Moderate

7. How does the Texas Constitution resemble those of other former Confederate states?
- a. It grants more reserved powers to the federal government.
  - b. It allows the federal government to impose martial law at any time.
  - c. It establishes an elected judiciary.
  - d. It formally acknowledges the supremacy of the U.S. Constitution.

**Answer:** d

**Topic:** Constitutionalism

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**Skill Level:** Analyze It

**Difficulty Level:** Difficult

8. Under the Constitution of *Coahuila y Tejas*, the governor \_\_\_\_\_.
- a. was prohibited from speaking English
  - b. presided over the state senate and served as the tax collector
  - c. led the state militia, granted pardons, and enforced laws
  - d. had to be elected from the group of Anglo colonizers brought to Texas by Stephen F. Austin

**Answer:** c

**Topic:** The Constitutional Legacy

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**Skill Level:** Understand the Concepts

**Difficulty Level:** Moderate

9. By voiding the Mexican Constitution of 1824 and creating a unitary system of government in 1835, General Santa Anna \_\_\_\_\_.

- a. repealed the principle of federalism in Mexico
- b. outlawed the importation of slaves into Texas
- c. gave the Mexican states and provinces considerable autonomy in their areas of responsibilities
- d. improved relations between the national government of Mexico and its states

**Answer:** a

**Topic:** The Constitutional Legacy

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**Skill Level:** Understand the Concepts

**Difficulty Level:** Moderate

10. What was one reason for the 1836 conflict between Mexico and Texas?
- a. Mexico's failure to protect Texans from various Native American tribes
  - b. Mexico's imposition of slavery
  - c. Texas support for the deposed President Santa Anna
  - d. a new Mexican constitution that concentrated power in the national government

**Answer:** d

**Topic:** The Constitutional Legacy

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

**Skill Level:** Remember the Facts

**Difficulty Level:** Easy

11. The Constitution of 1836, which established the Republic of Texas, was modeled after \_\_\_\_\_.
- a. the new constitution of Mexico
  - b. the Constitution of *Coahuila y Tejas*
  - c. the U.S. Constitution
  - d. the constitution of the neighboring Mexican state of Coahuila

**Answer:** c

**Topic:** The Constitutional Legacy

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**Skill Level:** Understand the Concepts

**Difficulty Level:** Moderate

12. What best describes the conflict between Mexico and the newly formed Republic of Texas in 1836?
- The forces of the Republic of Texas only secured victory through American assistance.
  - It was a short conflict with relatively light casualties for the Texan army.
  - It was a long, drawn-out conflict lasting two years and inflicting thousands of casualties on both sides.
  - It took place over several years with intermittent but bloody fighting.

**Answer:** b

**Topic:** The Constitutional Legacy

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**Skill Level:** Understand the Concepts

**Difficulty Level:** Moderate

13. School history texts, the celebration of key events, and the development of a mythology of the independence period keep Texas's \_\_\_\_\_ alive.
- sense of independence and state pride
  - religious attitudes
  - hierarchical structure
  - educational system

**Answer:** a

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**Skill Level:** Understand the Concepts

**Difficulty Level:** Moderate

14. Which of the following was part of the Constitution of 1845?
- the prohibition of slavery
  - an appointed lieutenant governor
  - denial of all property rights for women
  - a legislature that met biennially

**Answer:** d

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**Skill Level:** Understand the Concepts

**Difficulty Level:** Moderate

15. How did the Civil War impact the political system in Texas?

- a. It destroyed any semblance of a two-party system.
- b. It led to a more cohesive, unified Democratic party for the next 100 years.
- c. It put an end to the issue of states' rights taking precedent to national policy.
- d. It eliminated Jim Crow laws used against African Americans.

**Answer:** a

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**Skill Level:** Understand the Concepts

**Difficulty Level:** Moderate

16. The Constitution of 1866 was invalidated by \_\_\_\_\_ shortly after it was enacted and Texas came under the control of a military government.

- a. Radical Reconstructionists (Radical Republicans)
- b. the Patrons of Husbandry
- c. the congress of the Confederate States of America
- d. the U.S. Supreme Court

**Answer:** a

**Topic:** The Constitutional Legacy

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**Skill Level:** Remember the Facts

**Difficulty Level:** Easy

17. The Constitution of 1866 was brought about by the policies of President Abraham Lincoln, who envisioned \_\_\_\_\_.

- a. a state government with power shared between civilians and the military
- b. a lengthy process whereby southern states had to meet strict demands to reintegrate
- c. a rapid return to civilian governments for southern states and their quick reintegration into the Union
- d. a subservient South

**Answer:** c

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**Skill Level:** Understand the Concepts

**Difficulty Level:** Moderate

18. What was one lasting impact of the Reconstruction era on Texas constitutional law and politics?
- It established a system of full political and civil rights for African Americans in Texas.
  - It transformed Texas's constitutional tradition into one of hostility and suspicion toward government.
  - It made the Republican party the dominant political party for the next 100 years.
  - It established the Texas constitutional tradition of perceiving government as an ally of the people.

**Answer:** b

**Topic:** The Constitutional Legacy

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**Skill Level:** Understand the Concepts

**Difficulty Level:** Moderate

19. The Reconstruction Acts required a Texas Constitution that would \_\_\_\_\_.
- establish a plural executive
  - grant African Americans the right to vote
  - force former slave owners to cede land to African Americans
  - allow for popular election of judges

**Answer:** b

**Topic:** The Constitutional Legacy

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**Skill Level:** Understand the Concepts

**Difficulty Level:** Moderate

20. What did the members of the Grange fight for in the creation of the Constitution of 1876?
- to restrict the powers of the banks
  - railroads to be free to conduct their business as they chose

- c. the legislature to have unlimited powers to raise taxes if necessary
- d. the restriction of agricultural activities

**Answer:** a

**Topic:** The Constitution of 1876

**Learning Objective:** 2.3 Discuss the origins of the Constitution of 1876, its general principles, and the weaknesses and restrictions it still imposes on state government today.

**Texas Government Learning Outcomes:** Explain the origin and development of the Texas Constitution; Describe separation of powers and checks and balances in both theory and practice in Texas; Identify the rights and responsibilities of citizens.

**Skill Level:** Analyze It

**Difficulty Level:** Moderate

21. Which of the following reflects the political concepts found in the Texas Constitution of 1876?
- a. supportive of high taxes for expansive government services
  - b. a powerfully centralized state government with weak local control
  - c. a strong antigovernment stance that resulted from extensive corruption during Reconstruction
  - d. a strong governor with absolute authority over the executive branch

**Answer:** c

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**Skill Level:** Apply What You Know

**Difficulty Level:** Moderate

22. The governmental principle of separation of powers is addressed differently in the current Texas Constitution than it is in the U.S. Constitution because it is \_\_\_\_\_.
- a. covered in three separate articles rather than in one article
  - b. only addresses two branches of government rather than the three branches covered in the U.S. Constitution
  - c. neglects to reference the principle of checks and balances
  - d. clearly spelled out in one article rather than emerging over three separate ones

**Answer:** d

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**Skill Level:** Apply What You Know

**Difficulty Level:** Moderate

23. Which of the following helps to explain why the comprehensive constitutional reform efforts of the mid-1970s failed?
- The delegates to the constitutional convention were ordinary citizens who did not understand the deficiencies of the Texas Constitution.
  - The reform effort was predicated on the need to change provisions that were hindering economic growth, but the Texas economy took off in the 1970s under the existing constitution.
  - Texas could not reform its constitution without obtaining “preclearance” from the Justice Department under the Civil Rights Act.
  - Special interests fought against reform because they did not want to give up the protections that the old constitution afforded them.

**Answer:** d

**Topic:** Constitutional Change and Adaptation

**Learning Objective:** 2.4 Contrast the relative ease and frequency of the constitutional amendment process with the difficulty of enacting more fundamental change through the constitutional convention process.

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

**Level:** Analyze It

**Difficulty Level:** Difficult

24. To what situation was historian T.H. Fehrenbach referring when he stated that “Democrat politicians bluntly indicated that power would be won depending on who outfrauded whom”?
- the 1873 gubernatorial election that led to Reconstruction governor Edmund J. Davis’s defeat.
  - Mexican General Antonio López de Santa Anna’s suspension of the powers of the Mexican Congress and local governments
  - removal of Texas governor Sam Houston for refusing to take a loyalty oath to the Confederacy when the Civil War broke out
  - limitation of Republican delegates to the convention that wrote the 1876 Texas Constitution.

**Answer:** a

**Topic:** The Constitutional Legacy

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**Skill Level:** Apply What You Know

**Difficulty Level:** Moderate

25. Under the 1876 constitution, lawmaking authority was vested in \_\_\_\_\_.
- a congress with one legislator appointed by each of the 254 counties
  - an elected unicameral legislature with 151 members
  - a bicameral legislature composed of 181 members
  - a constitutional convention composed of delegates from each of the 254 counties and from every city with more than 100,000 residents

**Answer:** c

**Topic:** The Constitution of 1876

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**Skill Level:** Apply What You Know

**Difficulty Level:** Moderate

26. Which of the following is an accurate statement about the judicial system established by the Constitution of 1876?
- The Texas Supreme Court decides civil and criminal appeals.
  - Cases decided by the Texas Court of Criminal Appeals can be appealed to the Texas Supreme Court.
  - Cases decided by the Texas Supreme Court can be appealed to the Texas Ultimate Court of Criminal and Civil Appeals.
  - Texas has two courts of last resort, one for criminal cases and one for civil cases.

**Answer:** d

**Topic:** The Constitution of 1876

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**Skill Level:** Understand the Concepts

**Difficulty Level:** Moderate

27. Which of the following statements about the Texas legislature established by the Constitution of 1876 is accurate?
- The legislature attracted many candidates who were primarily interested in the generous salary and less interested in lawmaking.
  - The Constitution of 1876 unwittingly created one of the busiest legislatures in the United States.
  - The Constitution of 1876 created a legislature that was much more powerful than

- anticipated.
- d. The legislature is more easily influenced by special interest groups.

**Answer:** d

**Topic:** The Constitution of 1876

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**Skill Level:** Understand the Concepts

**Difficulty Level:** Moderate

28. When only constitutional amendments are on the ballot in Texas, what trend is seen in voter turnout?
- a. Less than 10 percent of eligible voters turn out to vote in the election.
  - b. Constitutional amendments on the ballot are often rejected by voters.
  - c. Voter turnout tends to be at about the same level when there are gubernatorial or presidential elections.
  - d. Voters tend to support only amendments that remove obsolete language from the Texas Constitution.

**Answer:** a

**Topic:** Constitutional Change and Adaptation

**Learning Objective:** 2.4 Contrast the relative ease and frequency of the constitutional amendment process with the difficulty of enacting more fundamental change through the constitutional convention process.

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

**Skill Level:** Apply What You Know

**Difficulty Level:** Moderate

29. The public education system under local control that has evolved under the current Texas Constitution can best be described as \_\_\_\_\_.
- a. inequitable
  - b. centralized
  - c. minimally intrusive
  - d. academically rigorous

**Answer:** a

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**Skill Level:** Understand the Concepts

**Difficulty Level:** Moderate

30. How did the 1827 Constitution of *Coahuila y Tejas* shape the current view of public education in Texas?
- The Mexican government's funding of public education set a precedent for the state's school funding laws.
  - Texas continues to provide public funds for parochial and private schools as Mexico did under the 1827 constitution.
  - This earlier constitution established the mandate that all Texas students learn both English and Spanish in the public school system.
  - The concept of local control over school development was firmly established.

**Answer:** d

**Topic:** The Constitutional Legacy

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

**Skill Level:** Apply What You Know

**Difficulty Level:** Moderate

31. Which of the following statements most accurately describes the Texas Constitution of 1876, which is the current state constitution?
- It is considered to be one of the textbook examples of what a state constitution should look like.
  - It was designed to place strong restraints on government to guard against abuses of the people.
  - It has rarely been amended since its adoption.
  - It addresses the frame of government through broad, general principles rather than with specific statutory details.

**Answer:** b

**Topic:** The Constitution of 1876

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**Skill Level:** Analyze It

**Difficulty Level:** Difficult

32. How did the Civil War and Reconstruction influence the content and political philosophy found in the Texas Constitution of 1876?
- The framers wanted a governor with broad, extensive powers who could maintain control over a large state.

- b. The framers wanted to create a constitution that used increased taxation to fund the state government.
- c. The framers were trying to restore economic stability and return government control to the people.
- d. The framers modeled the state constitution on the highly centralized structure of the former Confederate constitution.

**Answer:** c

**Topic:** The Constitution of 1876

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**Skill Level:** Analyze It

**Difficulty Level:** Difficult

33. Why do constitutional scholars and experts say that constitutions should grant authority to specific institutions within a framework of government?
- a. to make officials more responsive to citizens and accountable to the public offices to which they were elected or appointed
  - b. to assure that state officials have less power than federal officials
  - c. to limit taxes and government expenditures
  - d. to define the relationship between the people who govern and those who are governed

**Answer:** a

**Topic:** Constitutionalism

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**Skill Level:** Analyze It

**Difficulty Level:** Difficult

34. The Texas Constitution is described as being on a “life-support system” for most of its lifetime because it \_\_\_\_\_.
- a. acknowledges that the U.S. Constitution is superior to each of the state constitutions
  - b. requires a piecemeal amendment process to allow it to keep up with current political expansion of powers and responsibilities
  - c. originally limited the power of minority groups to fully participate in state government
  - d. reflects a widespread distrust of government

**Answer:** b

**Topic:** Constitutionalism

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

**Skill Level:** Apply What You Know

**Difficulty Level:** Moderate

35. The U.S. Constitution is considered a “living document” because it \_\_\_\_\_.
- includes an enumerated bill of rights at the beginning of the original document that does not require an amendment process
  - contains detailed statutory language on constitutional legislation
  - thoroughly addresses the duties and responsibilities of state governments
  - broadly outlines the basic principles of governance and authority to prevent a frequent amendment process

**Answer:** d

**Topic:** Constitutionalism

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**Skill Level:** Apply What You Know

**Difficulty Level:** Moderate

36. How did the 1836 Constitution of the Republic of Texas differ from the current Texas Constitution of 1876?
- It created a unicameral legislative body.
  - It was a broader document not cluttered with the details that weaken the present Texas Constitution.
  - The chief executive was appointed, rather than elected.
  - It made Roman Catholicism the official state-preferred religion of the Republic of Texas.

**Answer:** b

**Topic:** The Constitutional Legacy

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**Skill Level:** Apply What You Know

**Difficulty Level:** Moderate

37. How does state government in Texas reflect the governmental principle of a plural executive?
- Most statewide office holders are elected independently of the governor.

- b. Members of the Texas Senate are appointed by the governor.
- c. State judges have to be confirmed by the Texas Senate before assuming office.
- d. Members of the Texas Legislature are elected by eligible voters.

**Answer:** a

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**Skill Level:** Apply What You Know

**Difficulty Level:** Moderate

38. What generalization can be made about the amendment process in Texas since the current state constitution was adopted in 1876?
- a. Most of the proposed constitutional amendments are of major statewide importance rather than impacting a limited area of the state.
  - b. Most of the proposed constitutional amendments were adopted in the late nineteenth century.
  - c. Less than one-half of all constitutional amendments proposed since 1879 have been approved by Texas voters.
  - d. About three-quarters of all constitutional amendments proposed since 1879 have been approved by Texas voters.

**Answer:** d

**Topic:** Constitutional Change and Adaptation

**Learning Objective:** 2.4 Contrast the relative ease and frequency of the constitutional amendment process with the difficulty of enacting more fundamental change through the constitutional convention process.

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

**Level:** Analyze It

**Difficulty Level:** Difficult

39. How is the amendment process in Texas different from that in most other states?
- a. Citizens are unable to place constitutional amendments on the ballot because Texas does not have an initiative or referendum system at the statewide level.
  - b. Texas is one of a small number of states that allows citizens to place constitutional amendments on the ballot through the initiative and referendum system.
  - c. Constitutional amendments can only be proposed by citizens rather than the state legislature.
  - d. Citizens are limited to placing only constitutional amendments that apply to property tax exemptions on statewide ballots.

**Answer:** a

**Topic:** Constitutional Change and Adaptation

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**Level:** Apply What You Know

**Difficulty Level:** Moderate

40. How did Texas Governor Dolph Briscoe influence the unsuccessful outcome of the 1974 Texas Constitutional Convention, which assembled to replace the Texas Constitution of 1876?
- His opposition to the right-to-work law led to the defeat of the proposed new constitution.
  - He became too active lobbying for a new state constitution, which led to strong voter distrust of state government officials in this process.
  - He refused to exercise leadership favoring a new state constitution.
  - He led the faction known as the “cockroaches,” which attempted to delay or obstruct the convention’s work at every opportunity.

**Answer:** c

**Topic:** Constitutional Change and Adaptation

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**Level:** Apply What You Know

**Difficulty Level:** Moderate

### Essay Questions

41. What are the functions of a constitution, and ideally, what should a constitution contain? In your answer, compare the current constitution of Texas to the U.S. Constitution.

**Answer:** An ideal response will:

1. Explain that the constitution outlines the powers of and defines the limits imposed on state and local governments. The constitution also speaks to the relationship between the government and the economy.
2. Explain that a constitution should be brief and focused on general principles; it should not contain specific statutory language.
3. Explain that a constitution should grant authority to specific institutions, so as to increase the responsiveness and the accountability of officeholders.

4. Explain that constitutions should provide for orderly change but should not be written in such a restrictive fashion that they require continual amendments.
5. Note that the Texas Constitution has been amended hundreds of times, while the U.S. Constitution has been amended only 27 times.

**Topic:** Constitutionalism

**Learning Objective:** 2.1 Identify the functions of a constitution and place the Texas Constitution in a national comparative context.

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

**Skill Level:** Analyze It

**Difficulty Level:** Difficult

42. Identify and briefly describe the seven constitutions under which Texas has been governed. Which do you believe provided the governor with the most power? Defend your answer.

**Answer:** An ideal response will:

1. Note that Texas's first constitution was the Constitution of *Coahuila y Tejas*, which was adopted in 1827. Texas was still part of Mexico, and this constitution recognized Texas as a Mexican state with Coahuila.
2. Note that the second constitution was the 1836 Constitution of the Republic of Texas. This was enacted after Texas declared independence from Mexico. Under this constitution, Texas was an independent republic.
3. Note that the third constitution was enacted in 1845 when Texas was admitted to the Union.
4. Note that after the state seceded from the Union and joined the Confederacy in 1861, Texans adopted the Civil War Constitution.
5. Note that the fifth constitution was the short-lived Constitution of 1866. This was the constitution under which Texas sought to be readmitted to the Union after the Civil War and before the Radical Reconstructionists took control of the U.S. Congress.
6. The sixth constitution was the 1869 Reconstruction Constitution, in which power was centralized in the state government and local governments were significantly weakened. This reflected the preferences of the Radical Reconstructionists, not of most Texans.
7. The current constitution was adopted in 1876 at the end of Reconstruction. The Texas Constitution has since been amended nearly 500 times. This constitution is highly restrictive and antigovernment; it places strict limitations on the powers of the governor, the legislature, and other state officials.
8. Assess which of these constitutional systems produced the strongest governor. While answers will vary, it is clear that the Reconstruction Constitution produced a very powerful governor in Edmund Davis. It is

equally clear that the governor's powers during the current constitution are fragmented and weak.

**Topic:** Constitutionalism; The Constitutional Legacy

**Learning Objective:** 2.1 Identify the functions of a constitution and place the Texas Constitution in a national comparative context; 2.2 Describe the historical influences, similarities, and differences among Texas's first six constitutions.

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

**Skill Level:** Analyze It

**Difficulty Level:** Difficult

43. Describe and explain the primary weaknesses or criticisms of the Constitution of 1876.

**Answer:** An ideal response will:

1. Explain how the legislative branch is weak and has a hard time meeting the increasingly complex needs of Texas and why the legislature is susceptible to influence from interest groups.
2. Explain that the executive branch is weak because its powers are fragmented among a host of independently elected officials.
3. Explain the weaknesses in an inequitable public education system.
4. Explain the criticism that budgeting and finances cannot be easily altered to meet changing state needs.
5. Explain the criticisms for past restrictions on individual rights for African Americans and other groups.
6. Explain the criticism that the Texas Constitution has an unnecessary level of confusing statutory detail.
7. Explain the weakness that the Texas Constitution requires excessive amendments to enable state government to adapt to changes.

**Topic:** The Constitution of 1876

**Learning Objective:** 2.3 Discuss the origins of the Constitution of 1876, its general principles, and the weaknesses and restrictions it still imposes on state government today.

**Texas Government Learning Outcomes:** Explain the origin and development of the Texas Constitution; Describe separation of powers and checks and balances in both theory and practice in Texas; Identify the rights and responsibilities of citizens.

**Skill Level:** Analyze It

**Difficulty Level:** Difficult

44. Briefly explain why the Constitutional Convention of 1974 failed and discuss the prospects for future change. Evaluate whether the Texas Constitution is ripe for a major overhaul.

**Answer:** An ideal response will:

1. Evaluate the reasons the 1974 constitutional convention failed, including a lack of leadership from the governor, the fact that the convention delegates were legislators who were shortly facing reelection, the difficulty of achieving a two-thirds majority, and the dissatisfaction among a sizable minority with a provision that would have weakened labor unions.
2. Assess the prospects for future change. Future change may continue to be of the piecemeal variety.
3. Evaluate whether the Texas Constitution is ripe for a major overhaul or whether piecemeal change is likely to serve Texas well for the foreseeable future. If the Texas Constitution has, indeed, been on life support for its entire existence as the textbook claims, perhaps it is time to pull the plug and start anew. On the other hand, if it has worked for all these years, perhaps it is best to leave well enough alone.

**Topic:** Constitutional Change and Adaptation

**Learning Objective:** 2.4 Contrast the relative ease and frequency of the constitutional amendment process with the difficulty of enacting more fundamental change through the constitutional convention process.

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

**Skill Level:** Analyze It

**Difficulty Level:** Difficult

45. What explains the large number of amendments to the current Texas Constitution? How does Texas differ from other states in this regard?

**Answer:** An ideal response will:

1. Explain how the distrust of government under Reconstruction and the Edmund Davis administration influenced the framers of the 1876 constitution to write more restrictive language into the constitution.
2. Explain how the restrictive, statutory nature of the constitution does not allow enough flexibility for it to adapt to changing circumstances without being amended. That is, the Texas Constitution is not a “living constitution.”
3. Note that the Texas Constitution is fairly easy to amend.
4. Note that the Texas Constitution has been amended on a larger basis when compared with most of the other state constitutions, but that some state constitutions have been amended even more often.

**Topic:** Introduction; Constitutionalism; The Constitution of 1876

**Learning Objectives:** None; 2.1 Identify the functions of a constitution and place the Texas Constitution in a national comparative context; 2.3 Discuss the origins of the Constitution of 1876, its general principles, and the weaknesses and restrictions it still imposes on state government today.

**Texas Government Learning Outcomes:** Explain the origin and development of the Texas Constitution; Describe separation of powers and checks and balances in both theory and practice in Texas; Identify the rights and responsibilities of citizens.

**Skill Level:** Analyze It

**Difficulty Level:** Difficult

46. In what ways did the 1836 Constitution of the Republic of Texas resemble the U.S. Constitution?

**Answer:** An ideal response will:

1. Explain that the Republic of Texas constitution draws heavily from the U.S. Constitution.
2. Explain that neither constitution is statutory in nature.
3. Note that both constitutions provide for a bicameral legislature and an elected president.
4. Note that neither constitution provides for a state-sponsored religion.
5. Note that both constitutions address a ban on the international slave trade, with the exception that the Republic of Texas allowed slaves from the United States.

**Topic:** The Constitutional Legacy

**Learning Objective:** 2.2 Describe the historical influences, similarities, and differences among Texas's first six constitutions.

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

**Skill Level:** Analyze It

**Difficulty Level:** Difficult

47. How are the governor's powers restricted under the Texas Constitution of 1876? What led the framers of this constitution to take such steps to limit the executive?

**Answer:** An ideal response will:

1. Explain that the Texas governor shares authority over the executive branch with several other independently elected statewide officeholders (who may or may not be from the same political party). This fragments the executive branch's authority, weakening the governor. This also makes it hard for the governor to be a policy leader.
2. Explain that the governor's power has been further diffused by the creation of numerous boards and commissions that set policy for executive agencies not headed by elected officials. Although the governor appoints most of these board members, he or she cannot dismiss those currently holding the position.
3. Explain that the framers of the Texas Constitution drafted an antigovernment charter that severely restricted the executive branch because of bad experiences during Reconstruction when pervasive governmental corruption and Governor Davis's oppressive administration

left deep scars and resentments among Texans. The Constitution of 1876 is therefore a reaction (or possibly an overreaction) to experiences under the previous constitution.

**Topic:** The Constitution of 1876

**Learning Objective:** 2.3 Discuss the origins of the Constitution of 1876, its general principles, and the weaknesses and restrictions it still imposes on state government today.

**Texas Government Learning Outcome:** Explain the origin and development of the Texas Constitution; Describe separation of powers and checks and balances in both theory and practice in Texas; Identify the rights and responsibilities of citizens.

**Skill Level:** Analyze It

**Difficulty Level:** Difficult

48. Explain the impact interest groups have had on amending the current Texas Constitution. Has their role been negative?

**Answer:** An ideal response will:

1. Note that interest groups can lobby the legislature to include favorable constitutional amendments and that business interests are most successful at doing so. If the legislature agrees, these proposed amendments need to be approved by the voters—often during elections when only a fraction of the registered voters show up.
2. Evaluate whether interest groups have a negative impact on the political system. Some will argue that interest groups are sometimes able to enshrine favorable treatment for their economic interest into the constitution.

**Topic:** Constitutional Change and Adaptation

**Learning Objective:** 2.4 Contrast the relative ease and frequency of the constitutional amendment process with the difficulty of enacting more fundamental change through the constitutional convention process.

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

**Skill Level:** Analyze It

**Difficulty Level:** Difficult

49. Trace the development of the governmental principle of local control in the Texas public school system. How has local control impacted Texas public education today?

**Answer:** An ideal response will:

1. Explain that, under the Constitution of *Coahuila y Tejas*, the Mexican government failed to sufficiently fund public education, and the concept of local control over school development was firmly established during the 1820s in Texas. The government's failure to fund public education was one reason the Texas revolution of 1836 took place.

2. Explain that, after Texas was annexed by the United States in 1845, the state's first constitution established a permanent fund for the support of public schools.
3. Note that a centralized, statewide system of public schools was first established under the Constitution of Reconstruction in 1869, which was imposed by Radical Reconstructionists against the will of most Texans.
4. Explain that, when the current Texas Constitution was written in 1876, the framers replaced centralized state government, including the public school system, with more local control.
5. Explain that, due to local control over schools, decentralization and wide disparities in local tax bases have produced an inequitable public education system in Texas.

**Topic:** The Constitutional Legacy; The Constitution of 1876

**Learning Objectives:** 2.2 Describe the historical influences, similarities, and differences among Texas's first six constitutions; 2.3 Discuss the origins of the Constitution of 1876, its general principles, and the weaknesses and restrictions it still imposes on state government today.

**Texas Government Learning Outcomes:** Explain the origin and development of the Texas Constitution; Describe separation of powers and checks and balances in both theory and practice in Texas; Identify the rights and responsibilities of citizens.

**Skill Level:** Analyze It

**Difficulty Level:** Difficult

50. Explain how the current Texas Constitution reflects the strong sentiment that post-Reconstruction Texans had for an independent judiciary. How is the Texas judicial branch different from the judicial system established by the federal government in the U.S. Constitution?

**Answer:** An ideal response will:

1. Explain that the Texas Constitution of 1876 calls for the election of all members of the judiciary, from justices of the peace with limited jurisdiction at the local level to judges on the highest statewide appellate courts. At the federal level, the president appoints judges to lifetime terms.
2. Explain that, unlike the federal system where the U.S. Supreme Court is the court of last resort, the Texas court system has two courts of last resort, the Texas Supreme Court and the Texas Court of Criminal Appeals.
3. Explain that the Texas Supreme Court has jurisdiction over civil matters, while the Texas Court of Criminal Appeals has final review of criminal cases.

**Topic:** The Constitution of 1876

**Learning Objective:** 2.3 Discuss the origins of the Constitution of 1876, its general principles, and the weaknesses and restrictions it still imposes on state government today.

**Texas Government Learning Outcomes:** Explain the origin and development of the Texas Constitution; Describe separation of powers and checks and balances in both theory and practice in Texas; Identify the rights and responsibilities of citizens.

**Skill Level:** Analyze It

**Difficulty Level:** Difficult