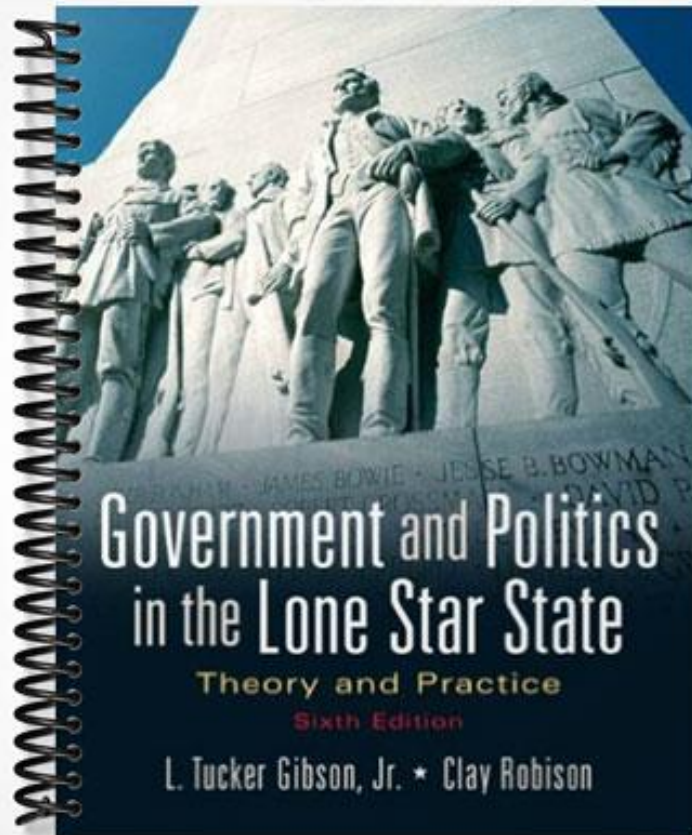


TEST BANK



JAMES BOWIE • JESSE B. BOWMAN
DAVID P.
Government and Politics
in the Lone Star State

Theory and Practice

Sixth Edition

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Chapter 2

Chapter 2 THE TEXAS CONSTITUTION

TEACHING OBJECTIVES

1. In the course of studying the Texas Constitution, students should come to an understanding that the state's constitution is more than the formal outline of government. The document is a fundamental statement reflecting the culture, values, and expectations of the people living within Texas. Moreover, the document also shapes political power and political relationships within the system.
2. Texas, like many other states, has experimented with multiple constitutions, and these constitutions represent the dominant political issues of the period in which they were adopted. A chronological treatment of the state's constitutions provides an opportunity to address the broader patterns of the state's political history, thus laying the basis for subsequent discussions of contemporary Texas politics.
3. The extended discussion of the Constitution of 1876 is intended to familiarize the student with the structure and organization of Texas government under the current constitution and lead to an assessment of both its strengths and weaknesses. A critical question is the degree to which the constitution restrains governmental initiatives in response to changing economic and social conditions.
4. Groups and interests have come to understand that the constitution provides them with specific benefits and advantages, and students should understand that any effort to reform or change the constitution will be supported or opposed by groups that perceive a direct benefit or threat from such changes.
5. Numerous efforts have been initiated to reform the state's constitution with only limited success, and the failure of these efforts illustrates the role of interest groups in the politics of constitutions.

CHAPTER OUTLINE

CONSTITUTIONALISM

- The Function of a Constitution
- The Texas Constitution in a Comparative Perspective

THE CONSTITUTIONAL LEGACY

- The Constitution of Coahuila y Tejas (1827)
- The Constitution of the Republic of Texas (1836)
- The Constitution of 1845
- The Civil War Constitution (1861)
- The Constitution of 1866
- The Constitution of Reconstruction (1869)
- The Constitution of 1876: Retrenchment and Reform

GENERAL PRINCIPLES OF THE TEXAS CONSTITUTION

WEAKNESSES AND CRITICISMS OF THE CONSTITUTION OF 1876

- Executive Branch
- Legislative Branch
- Judicial Branch
- Public Education
- Budgeting and Finances
- Individual Rights
- Excessive Details
- The Amendment Process

CONSTITUTIONAL CHANGE AND ADAPTATION

- Amendments
- Constitutional Convention
- The Constitutional Reform Efforts of 1971 to 1975

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Further Piecemeal Reforms
Constitutional Provisions, Interest Groups, and Elites
Change through Court Interpretation
Prospects for Future Change

SUMMARY AND CONCLUSIONS

KEY TERMS

E.J. Davis	Grange
Radical Reconstructionists	Popular sovereignty
Constitution	Social contract
Statutory law	Limited government
Unicameral	Separation of powers
Unitary system	Initiative
Federalism	Referendum
Bicameral	Constitutional Convention of 1974
Confederacy	Right-to-work law

DISCUSSION

1. The Constitutional Legacy

Americans have a somewhat unique "love affair" with their constitutions, and there is a real sense that constitutions do make a difference. Drawing on students' knowledge of American political history, a discussion of the broad constitutional legacy of the United States would lay the predicate for the discussion of the Texas Constitution. Students could be asked to consider the following: Why are constitutions regarded as so important? What are the primary functions of constitutions? How do constitutions reflect the attributes of the political culture?

2. The Texas Constitution and Institutional Constraints

Throughout the book, we argue that the Texas Constitution places significant restrictions on the state and its local governments and their ability to respond to many contemporary problems. A discussion of these restrictions and limitations could be used to develop an extended analysis of the problems and weaknesses of the Texas Constitution.

3. Changing the Texas Constitution

There have been numerous efforts to change the state's constitution. The constitutional convention of 1974 was held out by many as having the potential for modernizing the state's fundamental document and producing a document that was compatible with the needs of an industrialized society. There are various commentaries on the "con-con," which can be used to introduce and assess the political dynamics of constitution writing and the influence that interest groups exercise in the process.

4. The Prospects for Change

Students could be asked to consider the possibility of a constitutional convention being held in the middle of this decade. This discussion could focus on how this convention should be structured, the selection of delegates, the procedures that should be used to organize the work of the convention, and the general objectives of the convention. If the objective is to improve the state's constitution, what changes should be made and how might those who advocate reform successfully achieve these changes?

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OUTSIDE ASSIGNMENTS

1. Assign students the responsibility of reading the comparable articles pertaining to the executive, legislature, or judiciary in the U.S. Constitution and the Texas Constitution. A short report comparing and contrasting the assigned articles could then be used for a class discussion as to what a constitution should include.
2. Every two years, the Council of State Governments in the *Book of the States* provides an update on state constitutions. Various tables present information on the details of state constitutions. Students can be required to review these tables and develop preliminary hypotheses to explain similarities and differences among state constitutions.
3. In class develop a set of survey questions to be asked in a random fashion of individuals on the campus. The questions should make statements drawn directly from the Texas Constitution, and then ask the individual questioned what is meant by the statement. Compile the responses to arrive at an image of, at least, the campus knowledge and opinions of the Texas Constitution.

INTERNET ACTIVITIES

1. Use one of the major search engines to find the constitution of at least one other state. You should be able to find all 50 states. Choose one other state and compare its constitution to Texas's. Write a paragraph describing one of the following:

“freedoms” listed in each constitution
structure of the executive branch
structure of the legislative branch
structure of the judicial branch
how the constitution is amended
2. Visit the Texas legislature's website. Search for one of the most recent constitutional amendments. HINT: You won't find them under “amendments,” you'll need to look for “joint resolutions.” Now choose one of the amendments you found and see how it did in its election. You'll need to go to the Secretary of State's website to see the statewide results. Write a paragraph summarizing what the amendment was for and your reaction to it. Include the number of voters in favor of the amendment and those against.

RESOURCE MATERIALS

The Council of State Governments provides a great deal of valuable information on contemporary state constitutions in the *Book of the States*. In addition to a brief discussion of recent changes in state constitutions, a number of helpful tables are included. Also available online at <http://www.law.cornell.edu/statutes.html>.

For an excellent in-depth treatment of the Texas Constitution that provides interpretation and annotation, see George D. Braden, et al., *The Constitution of the State of Texas: An Annotated and Comparative Analysis*, Vols. 1 and 2 (Austin: Texas Advisory Commission on Intergovernmental Relations, 1977).

A good source for the entire Texas Constitution is the *Texas Almanac* (Dallas: A. H. Belo Co.) prior to the 2000-2001 edition. The most recent versions are going to be available on the Internet, <http://www.legis.state.tx.us>. In addition to an analysis of key sections, Charles F. Cnudde and Robert E. Crew Jr. have provided the complete document in *Constitutional Democracy in Texas* (St. Paul, Minn.: West Publishing Company, 1989).

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PARALLEL CHAPTER OUTLINE

- I. Texas now functions under its seventh constitution, an unwieldy, excessively detailed, and restrictive document that was written at the end of Radical Reconstruction.
 - A. Constitutions have multiple functions.
 1. Implicitly and explicitly, they express the fundamental principles upon which a society and its political system are constructed.
 2. They define who can and cannot participate in the political system.
 3. They define the relationships between those who govern and the general polity.
 4. They define the limitations placed on governments and those who govern.
 - B. Comparatively speaking, Texas has one of the more restrictive state constitutions.
 1. Ideally, a constitution should include general and fundamental principles, including the limitations and restrictions imposed on governmental institutions.
 2. It should be brief, spelling out the general responsibility and authority of governments. The details of this authority should be left to the institutions of government to work out once they have been organized.
 3. A constitution should also include provisions that permit adaptation to changing conditions in the political system.
 4. The Texas Constitution is one of the longest state constitutions with over 90,000 words. In its 100-plus year history, voters have adopted 439 constitutional amendments. By contrast the 200-year-old U.S. Constitution has approximately 7,000 words and has been amended 27 times.

- II. Texas has functioned under seven different constitutions, and each of these constitutions has reflected major political events in the state's history and has contributed to the state's constitutional legacy.
 - A. The Constitution of Coahuila y Tejas (1827) was adopted when Texas was part of Mexico.
 1. This constitution provided for a unicameral legislature, and Texas was entitled to two representatives.
 2. The state functioned with a governor and vice governor.
 3. Catholicism was the state religion although the requirement was not imposed on Anglo Texans. Moreover, Mexico made limited efforts to impose taxes or military service on the Texan population.
 4. The enduring legacy of this constitutional period is found in elements of the Mexican legal system that have been incorporated into subsequent state constitutions and statutory law. These include elements of property law, water law and water rights, and community property laws.
 - B. From 1836 to 1845, Texas functioned under the Constitution of the Republic.
 1. During the formative period of Mexican independence, there was increased Anglo settlement in Texas that brought with it increased conflicts over religion, culture, and economics. Inevitably, this conflict erupted into an independence movement and warfare between the Mexican government and the predominantly Anglo Texans.
 2. Texas independence was achieved in a relatively short period of time in 1836 after the battle of San Jacinto, when the Texas army under the command of Sam Houston defeated the army of Santa Anna.
 3. The Constitution of 1836 was adopted soon after the fall of the Alamo in San Antonio. It was a short document, modeled after the U.S. Constitution with a bicameral legislature and an elected president.
 4. The enduring legacy of this period is not the constitution of this period but the autonomy and independence that has shaped the Texas psyche.
 - C. Many of the proponents of Texas independence advocated statehood under the U.S. Constitution. Initial statehood efforts were thwarted, in part, because of the issue of slavery and the balance of political power in the United States Congress. The movement for statehood was finally successful and Texans wrote their third constitution in 1845.

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1. This constitution was shaped, in part, by the influence of Jacksonian democracy and borrowed from the constitutions of several southern states.
 2. The constitution followed a national pattern of fragmenting the powers of the executive with the creation of the plural executive.
 3. The 1845 constitution protected private homesteads from foreclosure, guaranteed separate property rights for married women, and established a permanent fund for the support of public schools, provisions that are found in the current Texas Constitution.
- D. When Texas seceded from the Union in 1861, another constitution was adopted.
1. Most of the provisions of the 1845 constitution were incorporated into the new document.
 2. Additionally, greater protection was given to protecting the institution of slavery and prohibiting the freeing of slaves.
 3. The constitution also expressed Texas's support of a confederal political system.
- E. With the defeat of the Southern states in 1865, Texans began the slow and painful process of reestablishing their relationship with the Union. The Constitution of 1866 was designed to comply with the moderate reconstruction plans of Presidents Lincoln and Johnson.
1. Based on the Constitution of 1845, this document was changed to include the elimination of slavery and the extension of property and legal rights to the newly freed slaves.
 2. Following a period of military government, a civil government was re-established after the adoption of the new constitution in June of 1866, and by August, President Johnson declared the rebellion in Texas over.
 3. The Constitution of 1866 was short-lived. Radical Reconstructionists in the U.S. Congress invalidated the Constitution of 1866, and military government was re-instituted in the state.
- F. In compliance with the Reconstruction Acts, a constitutional convention, dominated by Republicans, promulgated a new constitution in 1869.
1. Power was centralized in the state government while local government was weakened.
 2. A broad array of powers was granted to the governor including the appointment of other state officials and members of the judiciary.
 3. Political suffrage was extended to the African American population.
 4. A highly centralized public education system was incorporated into the new document.
 5. The new government that was elected under this constitution took office under a cloud of alleged widespread election abuses. Moreover, the unpopular Republican Governor E. J. Davis was regarded by his opponents as abusive and corrupt, thus laying the predicate for the reaction to highly centralized state government.
 6. After the election of 1873, the Republicans lost control of the governorship as well as the legislature; a constitutional convention was convened in September of 1875.
- G. To a large extent, the Constitution of 1876 was a reaction to Radical Reconstruction policies and an effort to reestablish traditional institutional and political relationships.
1. Seventy-five of the delegates who attended the Constitutional Convention of 1875 were Democrats. Six of the delegates were African Americans. Most were from the rural areas of the state. The majority had emigrated from other Southern states, and the average age of attendees at the convention was 45. Several of the delegates had served in previous constitutional conventions, and more than a third had previous government service. Moreover, an appreciable number of the delegates were professionals, and more than half were members of the Grange.
 2. The framers were primarily concerned with creating a constitution that would preclude a repetition of the abuses of the Davis administration.
- III. The Texas Constitution is part of the broad constitutional tradition of the United States.
- A. The underlying principle of the constitution is that it is a social compact based on popular sovereignty.
 - B. A second principle incorporated in its provisions is limited government.
 - C. Separation of powers constitutes the third grand principle incorporated into the document.

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- IV. A relatively short preamble and the first two sections of the Bill of Rights express the underlying principle of the Texas Constitution of 1876.
- A. The document is a social contract formed by a free people based on the concepts of popular sovereignty and compact theory.
 - B. A second principle is limited government.
 - C. A third major principle is separation of powers.
 - D. This constitution created three branches of government— legislative, executive, and judicial— and provided for a system of checks and balances.
 1. Lawmaking is vested in an elected legislature.
 - a. The House of Representatives is composed of 150 members and elected for two-year terms.
 - b. The Senate is composed of 31 members and elected for four-year terms.
 - c. The legislature meets in odd-numbered years and in special sessions of limited scope when called by the governor.
 2. A statewide elected governor shares executive authority with a number of other independently elected, statewide officeholders.
 3. Members of the judiciary are also elected; this provision reflects the strong sentiment of post-Reconstruction Texans for an independent judiciary.
 - a. Unlike the federal judiciary, Texas has two courts of last resort.
 - b. The Texas Supreme Court has jurisdiction over civil matters.
 - c. The Texas Court of Criminal Appeals reviews criminal cases.
- V. Since its implementation in 1876, the Texas Constitution has had a wide array of critics.
- A. Governmental authority is fragmented at both the state and local levels.
 1. The governor shares executive powers with numerous other elected officials (the plural executive).
 2. The executive function at the county level is also fragmented with the election of numerous constitutionally defined local administrative offices.
 - B. Numerous limitations on the state legislature have hampered its performance and its ability to adapt to the increased demands of an urban, industrialized society.
 - C. The state functions with a complex, highly decentralized court system.
 - D. Until federal intervention through court cases and civil rights legislation, the Texas Constitution permitted official policies of discrimination against key segments of the state's population.
 - E. The constitution is excessively detailed with provisions that should be statutory rather than constitutional.
 - F. There are obsolete provisions in the constitution.
 - G. Its restrictive nature has required numerous constitutional amendments, and at the same time, the amendment process is much too easy and permits groups to incorporate provisions in the constitution to protect their interests.
- VI. Many experts believe that the Texas Constitution excessively fragments governmental authority and responsibility, especially the executive branch.
- A. The fundamental law of the state created a plural executive arrangement under which a number of statewide elected officeholders are elected independently of the governor and answer directly to the people in the performance of their duties.
 1. The governor has no authority over the other elected state executives.
 2. The governor's power has been further defused by the creation of numerous boards and commissions.
 - B. Fragmented authority and responsibilities are also found in county governments, which are administrative agents of the state.
 - C. The constitution created a low-paid, part-time legislature to ensure the election of citizen lawmakers.
 1. This action created a lawmaking body easily influenced by special-interest groups.

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2. The strict limitations now hamper the legislature in addressing the increasingly complex needs of a growing, modern Texas.
 - D. In 1972, the voters approved a constitutional change to lengthen the terms of the executive branch.
 - E. The Texas Constitution also created numerous locally elected judicial officers who derive a great deal of autonomy and power.
 - F. The public school system was decentralized, an action that has produced an inequitable public education system.
 - G. The constitution requires a balanced state budget that heavily restricts the legislature's choices over state spending.
 - H. Texas had such restrictive laws on voter participation that most minorities were excluded.
 - I. The constitution is burdened with excessive detail.
 - J. There are obsolete and contradictory provisions in the Texas Constitution.
- VII. Since its adoption in 1876, there have been numerous proposals to revise and update the state's constitution through a major overhaul of the existing document or the adoption of a new constitution.
- A. Texas does not permit citizens to initiate constitutional amendments through the initiative. The authority to amend or change the constitution rests with the legislature. Under existing provisions, both houses of the Legislature must pass a proposed constitutional amendment by a two-thirds vote, and the proposed amendment is submitted to the voters for their approval by majority vote.
 1. Many proposed constitutional amendments are complex and difficult to understand in terms of the language or the intent. There is often a clear intent to confuse voters through the complex and confusing language of the proposed amendments.
 2. Interest groups often use the constitutional amendment to advance and protect their interests.
 3. While they must be approved statewide, many constitutional amendments apply to a single county.
 - B. The constitution can also be amended by a constitutional convention. The most recent effort to revise the Texas Constitution through the convention process occurred in 1974.
 1. A group of freshmen legislators led by San Antonian Nelson Wolff was successful in obtaining legislative approval for a proposed amendment that would, if approved by the voters, provide for a constitutional convention to be convened in 1974.
 2. The convention was to be comprised of the 181 legislators elected in the 1973 general election and was to be preceded by a 37-member Constitutional Revision Commission, which would make recommendations to the constitutional convention.
 3. In the wake of the Sharpstown scandal, the voters approved the call, and the convention was convened on January 8, 1974.
 4. The convention worked out a major overhaul of most provisions of the 100-year-old constitution, but on the final day of the convention, the revisions failed by three votes to get the necessary two-thirds majority required for submission to the voters. The convention failed for numerous reasons.
 - a. Interest groups played a prominent role in blocking passage because of their opposition to specific provisions included in the final document.
 - b. Governor Briscoe refused to play any significant role in the revision process.
 - c. The constitutional convention was comprised of legislators, many of whom were facing re-election campaigns in the party primaries.
 - d. There was a sizable minority of the legislators who opposed change and attempted to delay or obstruct the business of the convention.
 - e. Many local officials opposed changes in the proposed document.
 - f. Issues such as gambling and particularly the "right-to-work provisions" produced divisions that were impossible to resolve through compromise or accommodation.

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- C. In the aftermath of the failure of the constitutional convention to adopt a proposed constitution, the Texas Legislature revived the effort to modernize the state's fundamental document.
1. With some minor revisions, the legislature adopted the document that had been narrowly rejected in the convention.
 2. The articles of the proposed constitution were structured in eight propositions that were presented to the voters in November of 1975. Large majorities defeated all of the proposals.
 - a. Governor Briscoe actively opposed the proposed document.
 - b. Many interest groups opposed the revisions.
 - c. Public interest in the process was limited, and there is evidence to suggest that many voters had little understanding of the implications or need for constitutional changes.
- D. As a consequence of the failures to modernize the Constitution in 1974-1975, the state has muddled along with piecemeal constitutional change. From 1975 to 2006, the Texas voters approved 219 amendments and 39 were rejected.
1. The majority of voters have limited knowledge of the details or complexities of most constitutional amendments that are submitted to them.
 2. Interest groups continue to use constitutional amendments to protect their narrow interests.
 3. With the exception of voter approval of the amendment to permit a lottery, voter participation in special elections is extremely low, thus permitting a small part of the electorate to make fundamental decisions for the majority.
 4. The process of amending the constitution coupled with the resources required to mobilize voters are purported to prove more beneficial to the interests of elites and organized interests, particularly the industrial and financial groups.
 5. Increasingly activist state courts have rendered decisions that have constitutional implications, and these cases are redefining the constitution.

MULTIPLE CHOICE QUESTIONS

1. During the year 1874, which of the following events did NOT occur?
 - a. Reconstruction ended.
 - b. The military occupation ended.
 - c. The former governor left office on time. (p. 35)**
 - d. Austin was divided into two armed camps of people.
2. Which governor of Texas refused to leave office although he had lost the election?
 - a. Richard Coke
 - b. George W. Bush
 - c. Edmund Davis (p. 35)**
 - d. William P. Clements
3. A constitution reflects the way society structures conflict through its
 - a. institutional arrangements. (p. 37)**
 - b. comparative perspective.
 - c. rituals.
 - d. consensus agreements.
4. Which of the following statements is NOT true about Texas government under the Constitution of 1876?
 - a. The governor is a weak chief executive.
 - b. Dedicated funds limit the state's budgetary operations.
 - c. The legislature meets full time. (p. 36)**
 - d. The judiciary is poorly organized.

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5. Constitutions contain a formal framework that defines
 - a. the structure of government institutions.
 - b. the authority of government institutions.
 - c. the responsibilities of government institutions.
 - d. all of the above. (p. 36)**

6. Constitutions do NOT reflect
 - a. political, economic, and power relationships.
 - b. the interests of the people who create them.
 - c. the events of the period in which they were written.
 - d. relationships with other state governments. (p. 36)**

7. The first Texas constitution was adopted in
 - a. 1824.
 - b. 1827. (p. 37)**
 - c. 1836.
 - d. 1861.

8. Scholars believe above all that constitutions should
 - a. be detailed documents so all office holders know what to do.
 - b. provide specific detailed instructions to the branches of government.
 - c. contain all needed restrictions to safeguard what they drafted into law.
 - d. be brief and contain general principles. (p. 37)**

9. A constitution does NOT
 - a. define the principles of a society.
 - b. outline specific institutions the people will use.
 - c. set limits on what each group can and cannot do.
 - d. define who can hold private office. (p. 37)**

10. Scholars believe that constitutions should NOT
 - a. provide for orderly change.
 - b. include general principles.
 - c. not include specific detailed instructions.
 - d. be written in a restrictive fashion. (p. 37)**

11. The Texas Constitution currently contains about _____ words.
 - a. 100,000
 - b. 70,000
 - c. 60,000
 - d. 90,000 (p. 37)**

12. The constitutional experiences of Texas parallel those of many _____ states that have had multiple constitutions in the post-Civil war era.
 - a. eastern
 - b. northern
 - c. western
 - d. southern (p. 38)**

13. In the 1820s, Texas had _____ delegates to the unicameral government that met in Saltillo, Mexico.
 - a. 10
 - b. 8
 - c. 4
 - d. 2 (p. 39)**

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14. Under the first Texas constitution, the governor
- led the state militia but lacked the power to enforce laws.
 - granted pardons and served as the presiding officer of the state senate.
 - granted pardons and enforced laws. (p. 39)**
 - led the state militia and served as the state executioner.
15. Elements of the Mexican legal system still found in Texas in the twenty-first century include
- property rights, land rights, and community property. (p. 39)**
 - community property and common law.
 - common law, water rights, and property rights.
 - local autonomy and community property.
16. During the late 1820s and early 1830s, tensions between Anglos and the Mexican government often centered around conflicts over
- the cultures of the two societies.
 - the differences in their legal traditions.
 - differences in their economic interests.
 - all of the above. (p. 39)**
17. In 1835, Santa Anna
- voided the Constitution of 1824 and adopted a new one. (p. 39)**
 - outlawed the importation of slaves into Texas.
 - issued a decree banning future Anglo settlement east of the Sabine River.
 - expanded the powers of the Mexican Congress and local governments.
18. What was one reason cited by the text for the conflict between Mexico and Texas in 1836?
- failure of Mexico to protect Texas from incursions by the United States army
 - Mexico had imposed the institution of slavery.
 - Texas supported the deposed President Santa Anna.
 - a new Mexican constitution that established a unitary system (p. 39-40)**
19. When the call for independence was answered, _____ delegates met at _____.
- 50; Austin
 - 59; Washington-on-the-Brazos (p. 40)**
 - 27; Houston
 - 63; Brenham
20. The Constitution of 1836 created a
- unicameral congress.
 - president chosen by a two-thirds vote of the congress.
 - constitution that greatly resembled the U.S. Constitution. (p. 41)**
 - voting system based on property ownership.
21. The defeat at the Alamo and the victory at San Jacinto occurred in
- 1827.
 - 1836. (p. 41)**
 - 1824.
 - 1832.
22. Texas has kept alive its historical uniqueness through
- school history texts.
 - the celebration of key events.
 - development of a mythology of the independence period.
 - all of the above methods. (p. 41)**

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23. Which of the following was part of the Constitution of 1845?
- The governor was appointed by the plural executive.
 - The attorney general was elected.
 - Power was centralized in the judiciary.
 - It established a biennial legislature. (p. 42)**
24. The Constitution of 1845 provided for
- separate property rights for single women.
 - the establishment of a temporary fund for the support of public schools.
 - protection of private homesteads from foreclosure. (p. 42)**
 - state-chartered banks.
25. When Texas joined the Confederate States of America, its new constitution did NOT
- forbid the freeing of slaves.
 - require public officials to pledge their support to the Confederate constitution.
 - forbid clergy to hold office. (p. 42)**
 - establish Jim Crow laws.
26. The Constitution of 1866 did NOT require
- the extension of the franchise to women. (p. 43)**
 - a guarantee of debts incurred under the Confederacy.
 - the abolition of slavery.
 - a repudiation of the secession ordinance of 1861.
27. The first readmission constitutional plan offered after the war was proposed by
- Andrew Johnson.
 - Lyndon B. Johnson.
 - Abraham Lincoln. (p. 43)**
 - Jefferson Davis.
28. Which of the seven Texas constitutions was used for the shortest period of time?
- the Constitution of 1827
 - the Constitution of 1836
 - the Constitution of 1861
 - the Constitution of 1866 (p. 43)**
29. Johnson's mild reconstruction policies were replaced by those of the
- Radical Democrats.
 - Radical Republicans. (p. 43)**
 - Liberal Democrats.
 - Moderate Republicans.
30. The Constitution of 1869 did NOT provide for
- allowing African Americans to vote.
 - a centralized, statewide system of public schools.
 - biannual sessions of the legislature. (p. 43-44)**
 - a four-year term for the governor.
31. When the Constitution of 1876 replaced the Constitution of 1869, the constitutional convention was dominated by members of the Grange. These members insured that the new constitution would
- restrict banks. (p. 47)**
 - expand railroads.
 - increase taxes and expenditures.
 - expand corporations.

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32. The Constitution of 1876 was essentially an antigovernment charter and so did NOT
- put a short leash on the courts.
 - replace centralization with more local control.
 - empower the governor. (p. 47)**
 - place strict limits on taxation.
33. Texas currently operates under a constitution that was adopted following the Civil War and the Radical Reconstruction era. In this constitution, Texans
- were suspicious of government.
 - limited government.
 - fragmented governmental institutions.
 - did all the above. (p. 47)**
34. The Constitution of 1876 was approved by
- a close majority.
 - approximately two-thirds of the voters. (p. 47)**
 - the white establishment.
 - everyone except members of the Grange.
35. The Constitution of 1876 created _____ branches of government which were the _____ branches.
- three; judicial, executive; and bureaucratic
 - four; bureaucratic, executive, judicial, and legislative
 - two; executive and judicial
 - three; judicial, executive, and legislative (p. 49)**
36. An underlying principle of the 1876 constitution is that of a social compact that rests on the concepts of popular sovereignty and compact theory, as well as the principles of
- limited government and separation of powers. (p. 48)**
 - checks and balances and separation of powers.
 - separation of powers and unlimited government.
 - checks and balances and unlimited powers.
37. Under the 1876 constitution, law making authority was vested in an elected
- congress with a total of 254 members.
 - legislature with a combined membership of 151.
 - bicameral legislature composed of 181 members. (p. 49)**
 - unicameral legislature with 140 members.
38. The United States has one final court of last resort, the Supreme Court. Texas has
- only one, the Texas Supreme Court.
 - two, the Texas Court of Criminal Appeals and the Texas Supreme Court. (p. 49)**
 - three, the Texas Court of Appeals, the Texas Court of Criminal Appeals, and the Texas Supreme Court.
 - four, numbered according to the district they service.
39. Unwittingly, the constitutional drafters in 1875 created a legislative body that was
- initially full time in work but part time in pay.
 - easily influenced by special interest groups. (p. 50)**
 - very slow to respond to changes in modern Texas.
 - much more powerful than anticipated.

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40. The current Texas Constitution contains
- a. **excessive detail. (pp. 51-52)**
 - b. details concerning replacement of plumbing laterals on public property.
 - c. language allowing the adaptability to meet changing circumstances.
 - d. no restrictions on state and local governments.
41. According to the text, the voters of Texas had approved _____ constitutional amendments by the end of 2006.
- a. 181
 - b. 254
 - c. 365
 - d. **439 (p. 52)**
42. The U.S. Constitution has been amended _____ times since 1789, including the ten amendments that make up the Bill of Rights.
- a. 10
 - b. **27 (p. 52)**
 - c. 35
 - d. 51
43. Which of the following states has the longest constitution in effect as of January 1, 2005?
- a. **Alabama (p. 53)**
 - b. Arkansas
 - c. Texas
 - d. Louisiana
44. What are the most constitutions any state has adopted in the United States?
- a. 7
 - b. **11 (p. 53)**
 - c. 10
 - d. 14
45. The last time a constitutional convention was called to rewrite the Constitution of 1876 was in
- a. 1996.
 - b. 1982.
 - c. **1974. (p. 54)**
 - d. 1971.
46. As governor of Texas, _____ refused to show any significant leadership initiative during the last constitutional convention.
- a. **Dolph Briscoe (p. 55)**
 - b. Bill Clements
 - c. Edmund Davis
 - d. Preston Smith
47. The constitutional convention called to fix our current document was composed of
- a. 181 specially elected citizens.
 - b. 254 scholars and experts on Texas government.
 - c. **181 legislators. (p. 55)**
 - d. 59 members chosen by the Texas legislature.

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48. The right-to-work law
- guarantees each Texan the right to work at a living wage.
 - provides Texans the right to work on the county payroll if they cannot find any other job.
 - prohibits union membership as a condition of employment. (p. 55)**
 - demonstrates the power of unions over the power of business.
49. A small group of legislators who did not want a new constitution in the 1970s and attempted to delay or obstruct the convention's work at every opportunity were labeled by Convention President Daniel as _____.
- killer bees
 - gypsy moths
 - worms
 - cockroaches (p. 56)**
50. Following the failure of the 1974 constitutional convention, the Texas legislature attempted to pass the measures in a regular session. The leaders of this 1975 session were
- Bill Clayton and Bill Hobby. (p. 56)**
 - Clayton Williams and Gib Lewis.
 - Allan Shivers and Ben Barnes.
 - Jim Hightower and Irvin M. May Jr.
51. According to the text, in the area concerning constitutions
- most people are attentive to the details.
 - few people are attentive to the details. (p. 56)**
 - it is easy to translate these complexities to the average person.
 - citizens become very involved.
52. How many amendments did the voters of Texas approve between 1975 and 2006?
- 171
 - 219 (p. 57)**
 - 254
 - 326
53. When only constitutional amendments are on the ballot, about _____ percent of registered voters turn out to vote.
- 10 (p. 59)**
 - 25
 - 30
 - 50
54. Texans always seem to be voting to amend the state constitution. The most amendments ever sent to the voters at one time was
- 13.
 - 18.
 - 25. (p. 59)**
 - 36.
55. Which of the following did NOT characterize politics during the time of the framing of the Constitution of 1876?
- There were low levels of class conflict. (p. 62)**
 - This period saw the emergence of the Greenback Party.
 - This period saw the emergence of the Populist political parties.
 - Politics were eventually dominated by monied business interests.

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56. There is some evidence that Texas courts are now prepared to play a more expansive role in interpreting the constitution and effecting major changes in state policy. The best-known example is the
- Sharpstown College finance case.
 - Townshire mental health/mental retardation case.
 - consolidated school district football team case.
 - Edgewood school finance case. (p. 62)**
57. The Texas Constitution requires a/an _____ public school system.
- efficient (p. 62)**
 - low-cost
 - effective
 - academically rigorous
58. It is difficult to make wholesale changes to the Texas Constitution because
- few groups and interests benefit from the existing constitution.
 - in the vernacular of the lay person, "If it ain't broke, don't fix it." (p. 62)**
 - Texas has a long history of support of government.
 - the legislature is hesitant to propose amendments to the constitution.

TRUE/FALSE QUESTIONS

59. Texas has had seven constitutions, and understanding that legacy is critical to understanding contemporary Texas politics and public policy.

Answer: **True (p. 36)**

60. A constitution also reflects the way a society structures conflict outside its institutional arrangement.

Answer: **False (p. 37)**

61. The current Texas constitution is an unwieldy, restrictive document.

Answer: **True (p. 37)**

62. All but one of the Texas Constitutions were written in a distinct historical setting.

Answer: **False (p. 36-37)**

63. Santa Anna upheld the national constitution of 1824.

Answer: **False (p. 39)**

64. Approximately six months after the disastrous defeat at the Alamo, the Texas army, under the command of Sam Houston, defeated Santa Anna's army.

Answer: **False (p. 41)**

65. The Constitution of 1845, which was drafted to allow Texas annexation, was about three times as long as the constitution of 1836.

Answer: **False (p. 41)**

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66. When Texas seceded from the Union in 1861, the state constitution was not revised.

Answer: **False (p. 42)**

67. The actions in the late 1860s transformed the constitutional tradition of Texas into one of hostility and suspicion toward government.

Answer: **True (p. 43)**

68. Governor Davis exercised some of the most repressive powers ever imposed on United States citizens.

Answer: **True (p. 44)**

69. Only four of the delegates who produced the current Texas constitution were native Texans.

Answer: **True (p. 45)**

70. Many experts believe that the Texas Constitution of 1876 excessively fragments government authority and responsibility, particularly in the legislative branch.

Answer: **False (p. 50)**

71. The dedication of large amounts of revenue to specific purposes in the current constitution has made it increasingly difficult for lawmakers to address changing state needs.

Answer: **True (p. 51)**

72. By 2006, Texas had adopted 439 amendments to its current constitution.

Answer: **True (p. 52)**

73. The constitutional convention of 1974 had its beginnings in 1971.

Answer: **True (p. 54)**

74. Governor Dolph Briscoe suggested that the existing constitution had served the state well and would continue to be adequate for the future.

Answer: **True (p. 56)**

75. The state has been forced to amend its current document on a piecemeal basis.

Answer: **True (p. 57)**

76. The Texas Constitution now has an amendment which makes exempt from property taxes coffee beans and cocoa imported through the Port of Houston.

Answer: **True (p. 60)**

77. Big business in Texas has successfully turned to state government for tax breaks and other economic incentives.

Answer: **True (p. 60)**

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78. It has been argued that the current Texas Constitution serves the interests of a small number of elites.

Answer: **True (p. 61)**

SHORT ANSWER QUESTIONS

79. Briefly describe the strengths of the 1836 constitution of the Republic of Texas. **(pp. 39-41)**

80. Explain why the administration of Governor E.J. Davis was so unpopular. **(pp. 43-47)**

81. How are powers of the governor restricted under the Texas Constitution? **(p. 49-50)**

82. Discuss several reasons for the large number of constitutional amendments to the current Texas Constitution. **(pp. 52-54)**

83. Explain the impact interest groups have had on amending the current Texas Constitution. **(pp. 59-62)**

84. What are the prospects for constitutional change in Texas? **(p. 62)**

ESSAY QUESTIONS

85. 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. **(pp. 37-38)**

86. List the seven constitutions under which Texas has been governed. Describe the strengths and weaknesses of each. **(pp. 38-47)**

87. Describe the general principles that are found in the Texas Constitution. **(pp. 47-49)**

88. Describe the primary weaknesses or criticisms of the Constitution of 1876. **(pp. 50-52)**

89. Briefly explain why the constitutional convention of 1974 failed and discuss the prospects for future change. **(pp. 54-62)**

90. What was Proposition 12? Explain why it was significant. **(pp. 57-58)**