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Chapter 2
Federalism and the Texas Constitution

Multiple Choice Questions

1. The U.S. Constitution provides for a structure of government that _____.
A. is best viewed as allowing state governments to do whatever they want
B. is best viewed as allowing the national government to do whatever it wants
C. grants state and national governments delineated authority
D. does not allow the national and state governments to share in funding programs
Answer: C
Learning Objective: 2.1 Explain how state power is constrained by federalism and by the national and state constitutions.
Texas Government Learning Outcome: Describe state and local political systems and their relationship with the federal government.
Topic: Federalism Applied
Difficulty Level: Moderate
Skill Level: Understand the Concepts

2. How did the COVID-19 pandemic highlight some of the inherent inefficiencies of federalism?
A. Both federal and state governments failed to adequately prepare for distributing vaccines.
B. The federal government's complete discretion over mask bans led to public disunity.
C. Initial miscommunication caused the federal government to overproduce vaccines.
D. State governments all agreed to circumvent CDC regulations regarding public events.
Answer: A
Learning Objective: 2.1 Explain how state power is constrained by federalism and by the national and state constitutions.
Texas Government Learning Outcome: Describe state and local political systems and their relationship with the federal government.
Topic: Federalism Applied
Difficulty Level: Moderate
Skill Level: Apply What You Know

3. After escaping from a Texas state prison, John is found a few miles north in nearby Lawton, Oklahoma. Which section of the U.S. Constitution mandates that Oklahoma return fugitives?
A. Article I
B. Article II
C. Article III
D. Article IV
Answer: D
Learning Objective: 2.1 Explain how state power is constrained by federalism and by the national and state constitutions.

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Texas Government Learning Outcome: Describe state and local political systems and their relationship with the federal government.
Topic: Constitutional Limits on States
Difficulty Level: Difficult
Skill Level: Analyze It

4. When the U.S. Supreme Court rules that a state law is unconstitutional, which level of government is it affirming as supreme?
A. national
B. state
C. local
D. city
Answer: A
Learning Objective: 2.1 Explain how state power is constrained by federalism and by the national and state constitutions.
Texas Government Learning Outcome: Describe state and local political systems and their relationship with the federal government.
Topic: Constitutions
Difficulty Level: Difficult
Skill Level: Apply What You Know

5. Steven has strong feelings about the need for more governing power to reside at the state level. How can Steven realize this goal?
A. run for Congress so he can then pass legislation to change the U.S. Constitution
B. work to pass a constitutional amendment that grants the states more authority
C. advocate for laws at the state level that will void federal laws
D. sue the governor for capitulating to federal authority
Answer: B
Learning Objective: 2.1 Explain how state power is constrained by federalism and by the national and state constitutions.
Texas Government Learning Outcome: Describe state and local political systems and their relationship with the federal government.
Topic: Federalism Applied
Difficulty Level: Difficult
Skill Level: Apply What You Know

6. Which political institution has the power of judicial review?
A. the executive branch
B. the legislative branch
C. the judicial branch
D. government bureaucracies
Answer: C

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Learning Objective: 2.1 Explain how state power is constrained by federalism and by the national and state constitutions.
Texas Government Learning Outcome: Describe state and local political systems and their relationship with the federal government.
Topic: Constitutions
Difficulty Level: Easy
Skill Level: Understand the Concepts

7. Frankie wants to protest a recent law that was passed by the Texas legislature, but he is unsure whether he can legally do so. If he asked you where to find evidence of such a right, which amendment in the U.S. Constitution would you direct him to?
A. the First Amendment
B. the Fifth Amendment
C. the Tenth Amendment
D. the Twenty-fourth Amendment
Answer: A
Learning Objective: 2.2 Analyze how the national government has gained power within the federalism equation.
Texas Government Learning Outcome: Describe state and local political systems and their relationship with the federal government.
Topic: Constitutional Amendments
Difficulty Level: Difficult
Skill Level: Apply What You Know

8. The national government can control the states by _____.
A. threatening military law if the states do not comply with congressional laws
B. forcing the members of a state's congressional delegation to vacate their offices
C. suspending state elections
D. providing or withholding money
Answer: D
Learning Objective: 2.2 Analyze how the national government has gained power within the federalism equation.
Texas Government Learning Outcome: Describe state and local political systems and their relationship with the federal government.
Topic: Budgetary Pressure
Difficulty Level: Easy
Skill Level: Remember the Facts

9. George works for a U.S. senator and is asked to determine whether Congress has a certain power. If you were asked, where would you tell George to begin his research?
A. Article I of the U.S. Constitution
B. Article IV of the U.S. Constitution
C. the First Amendment of the Bill of Rights
D. the Third Article of the Bill of Rights

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Answer: A
Learning Objective: 2.2 Analyze how the national government has gained power within the federalism equation.
Texas Government Learning Outcome: Describe state and local political systems and their relationship with the federal government.
Topic: Budgetary Pressure
Difficulty Level: Difficult
Skill Level: Apply What You Know

10. The struggle between the national and state governments over which has the authority to do something is ultimately decided by the _____.
A. U.S. Congress
B. attorney general of Texas
C. president
D. U.S Supreme Court
Answer: D
Learning Objective: 2.2 Analyze how the national government has gained power within the federalism equation.
Texas Government Learning Outcome: Describe state and local political systems and their relationship with the federal government.
Topic: The Federal Courts
Difficulty Level: Moderate
Skill Level: Understand the Concepts

11. Under the delineated authority that states possess under the federal system, state constitutions tend to contain many legislative provisions, each creating a _____ government.
A. very powerful
B. highly restrictive
C. somewhat powerful
D. somewhat restrictive
Answer: B
Learning Objective: 2.3 Explain why state constitutions tend to be long and restrictive.
Texas Government Learning Outcome: Describe state and local political systems and their relationship with the federal government.
Topic: State Constitutions
Difficulty Level: Moderate
Skill Level: Understand the Concepts

12. Which of the following best characterizes how frequently the Texas constitution has been amended compared with other states?
A. It is the most amended state constitution in the U.S.
B. It is in the top 5 most amended constitutions among the states.
C. It is approximately in the middle compared to other states.
D. It is one of the least amended constitutions among all U.S. states.

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Answer: B
Learning Objective: 2.3 Explain why state constitutions tend to be long and restrictive.
Texas Government Learning Outcome: Describe state and local political systems and their relationship with the federal government.
Topic: State Constitutions
Difficulty Level: Moderate
Skill Level: Apply What You Know

13. Why would it be extremely difficult to legalize casino gambling in Texas?
A. There is no mechanism for its legalization currently available within government infrastructure.
B. It would be unlikely to survive the judicial review process in the Texas Supreme Court.
C. Securing a two-thirds vote in the Texas house would be nearly impossible.
D. It would have to be changed by a constitutional amendment.
Answer: D
Learning Objective: 2.3 Explain why state constitutions tend to be long and restrictive.
Texas Government Learning Outcome: Describe state and local political systems and their relationship with the federal government.
Topic: State Constitutions
Difficulty Level: Moderate
Skill Level: Apply What You Know

14. Which Texas constitution was amended to include precepts of Jacksonian democracy?
A. Coahuila y Tejas
B. 1836 constitution
C. 1845 constitution
D. 1861 constitution
Answer: C
Learning Objective: 2.4 Differentiate among the first six constitutions of Texas.
Texas Government Learning Outcome: Explain the origin and development of the Texas constitution.
Topic: The 1845 Constitution
Difficulty Level: Easy
Skill Level: Remember the Facts

15. Which of the following Texas constitutions was adopted after Texas seceded from the United States?
A. 1836 constitution
B. 1845 constitution
C. 1861 constitution
D. 1869 constitution
Answer: C
Learning Objective: 2.4 Differentiate among the first six constitutions of Texas.

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Texas Government Learning Outcome: Explain the origin and development of the Texas constitution.
Topic: The 1861 Constitution
Difficulty Level: Easy
Skill Level: Remember the Facts

16. Which of the following Texas constitutions was adopted after Texas reentered the Union?

A. 1845 constitution
B. 1861 constitution
C. 1869 constitution
D. 1876 constitution
Answer: C
Learning Objective: 2.4 Differentiate among the first six constitutions of Texas.
Texas Government Learning Outcome: Explain the origin and development of the Texas constitution.
Topic: The 1869 Constitution
Difficulty Level: Easy
Skill Level: Remember the Facts

17. Who was E. J. Davis?
A. a World War II hero that ran for governor of Texas
B. the founder of Dallas
C. the Democratic governor during the 1960s who oversaw the integration of African Americans into Texas schools
D. Republican governor of Texas during the Reconstruction Era
Answer: D
Learning Objective: 2.4 Differentiate among the first six constitutions of Texas.
Texas Government Learning Outcome: Explain the origin and development of the Texas constitution.
Topic: The 1869 Constitution
Difficulty Level: Easy
Skill Level: Remember the Facts

18. Which of the following Texas constitutions gave the governor significant appointment power?
A. 1845 constitution
B. 1861 constitution
C. 1869 constitution
D. 1876 constitution
Answer: C
Learning Objective: 2.4 Differentiate among the first six constitutions of Texas.
Texas Government Learning Outcome: Explain the origin and development of the Texas constitution.

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Topic: The 1869 Constitution
Difficulty Level: Moderate
Skill Level: Understand the Concepts

19. Which statement best characterizes the 1869 Texas constitution?
A. It was a conservative document.
B. It concentrated power at the county level.
C. It centralized power.
D. It made a corrupt administration of the Texas government more probable.
Answer: C
Learning Objective: 2.4 Differentiate among the first six constitutions of Texas.
Texas Government Learning Outcome: Explain the origin and development of the Texas constitution.
Topic: The 1869 Constitution
Difficulty Level: Moderate
Skill Level: Analyze It

20. Which of the following groups attended the constitutional convention of 1875 looking to establish a cheap and weak government?
A. radical Republicans
B. representatives from other southern states
C. Democratic Party leaders
D. Texas Grange
Answer: D
Learning Objective: 2.5 Analyze how Texas's current constitution is partially a reaction to the previous Reconstruction-era document and partially a return to pre–Civil War policies.
Texas Government Learning Outcome: Explain the origin and development of the Texas constitution.
Topic: The 1876 Constitution
Difficulty Level: Easy
Skill Level: Understand the Concepts

21. In what year was the current Texas constitution written?
A. 1869
B. 1876
C. 1901
D. 1974
Answer: B
Learning Objective: 2.5 Analyze how Texas's current constitution is partially a reaction to the previous Reconstruction-era document and partially a return to pre–Civil War policies.
Texas Government Learning Outcome: Explain the origin and development of the Texas constitution.
Topic: The 1876 Constitution
Difficulty Level: Easy

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Skill Level: Remember the Facts

22. Which of the following was a populist farmers' alliance that was influential in the creation of the 1876 Constitution?
A. Radical Republicans
B. Jacksonian Democrats
C. Democratic Party
D. Texas Grange
Answer: D
Learning Objective: 2.5 Analyze how Texas's current constitution is partially a reaction to the previous Reconstruction-era document and partially a return to pre–Civil War policies.
Texas Government Learning Outcome: Explain the origin and development of the Texas constitution.
Topic: The 1876 Constitution
Difficulty Level: Easy
Skill Level: Remember the Facts

23. Under the 1876 Constitution, the legislature meets _____.
A. every year
B. twice a year
C. once every two years
D. every year all year long
Answer: C
Learning Objective: 2.5 Analyze how Texas's current constitution is partially a reaction to the previous Reconstruction-era document and partially a return to pre–Civil War policies.
Texas Government Learning Outcome: Demonstrate knowledge of the legislative, executive, and judicial branches of Texas government.
Topic: Limits on Government Power
Difficulty Level: Moderate
Skill Level: Understand the Concepts

24. What was the most significant change to the powers of the governor from the 1869 constitution to the 1876 constitution?
A. The governor's powers to appoint a cabinet were dramatically increased under the 1876 Constitution.
B. The governor's powers to appoint a cabinet were taken away.
C. The governor was given the power to appoint judges to the Texas supreme court.
D. The governor was denied the ability to call special sessions of the legislature.
Answer: B
Learning Objective: 2.5 Analyze how Texas's current constitution is partially a reaction to the previous Reconstruction-era document and partially a return to pre–Civil War policies.
Texas Government Learning Outcome: Explain the origin and development of the Texas constitution.
Topic: Limits on Government Power

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Difficulty Level: Moderate
Skill Level: Understand the Concepts

25. Under the 1876 constitution, the Texas governor's power was _____.
A. further increased from the previous constitution
B. kept about the same as under the previous constitution
C. was reduced a little from what the governor had under the previous constitution
D. was reduced significantly from what the governor had under the previous constitution
Answer: D
Learning Objective: 2.5 Analyze how Texas's current constitution is partially a reaction to the previous Reconstruction-era document and partially a return to pre–Civil War policies.
Texas Government Learning Outcome: Explain the origin and development of the Texas constitution.
Topic: Limits on Government Power
Difficulty Level: Moderate
Skill Level: Understand the Concepts

26. The Texas Bill of Rights provides _____ than the U.S. Bill of Rights.
A. significantly fewer rights
B. about the same amount of rights
C. just a couple more rights
D. significantly more rights
Answer: D
Learning Objective: 2.5 Analyze how Texas's current constitution is partially a reaction to the previous Reconstruction-era document and partially a return to pre–Civil War policies.
Texas Government Learning Outcome: Describe state and local political systems and their relationship with the federal government.
Topic: The Bill of Rights
Difficulty Level: Moderate
Skill Level: Understand the Concepts

27. To amend the Texas constitution, _____ of both houses and _____ of voters must approve.
A. half; two-thirds
B. two-thirds; a majority
C. three-quarters; two-thirds
D. majority; majority
Answer: B
Learning Objective: 2.5 Analyze how Texas's current constitution is partially a reaction to the previous Reconstruction-era document and partially a return to pre–Civil War policies.
Texas Government Learning Outcome: Demonstrate knowledge of the legislative, executive, and judicial branches of Texas government.
Topic: Amending the Constitution
Difficulty Level: Easy

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Skill Level: Remember the Facts

28. To amend the Texas constitution, the Texas legislature proposes _____.
A. a bill with a simple majority and then the governor must sign it
B. an amendment with a two-thirds vote of both chambers and the people of Texas must vote for it
C. an amendment with a two-thirds vote and the governor must sign it
D. an amendment with three-fifths vote, the Texas Supreme Court rules on it, and then the people of Texas must vote for it
Answer: B
Learning Objective: 2.5 Analyze how Texas's current constitution is partially a reaction to the previous Reconstruction-era document and partially a return to pre–Civil War policies.
Texas Government Learning Outcome: Demonstrate knowledge of the legislative, executive, and judicial branches of Texas government.
Topic: Amending the Constitution
Difficulty Level: Easy
Skill Level: Remember the Facts

29. A 1972 amendment to the Texas Bill of Rights added additional safeguards not provided by its federal counterpart. Which of the following did it ban?
A. sex-based discrimination
B. discrimination based on disability
C. laws that restrict rights based on sexual orientation
D. religious teachings in Texas public schools
Answer: A
Learning Objective: 2.5 Analyze how Texas's current constitution is partially a reaction to the previous Reconstruction-era document and partially a return to pre–Civil War policies.
Texas Government Learning Outcome: Demonstrate knowledge of the legislative, executive, and judicial branches of Texas government.
Topic: The Bill of Rights
Difficulty Level: Moderate
Skill Level: Apply What You Know

30. Which of the following is not involved in approving amendments to the Texas constitution?
A. governor
B. senate
C. house
D. voters
Answer: A
Learning Objective: 2.5 Analyze how Texas's current constitution is partially a reaction to the previous Reconstruction-era document and partially a return to pre–Civil War policies.
Texas Government Learning Outcome: Demonstrate knowledge of the legislative, executive, and judicial branches of Texas government.
Topic: Amending the Constitution

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Difficulty Level: Easy
Skill Level: Understand the Concepts

31. As of 2020, approximately how often has the Texas constitution been amended?
A. fewer than 30 times
B. between 50 and 75 times
C. just over 500 times
D. more than 750 times
Answer: C
Learning Objective: 2.5 Analyze how Texas's current constitution is partially a reaction to the previous Reconstruction-era document and partially a return to pre–Civil War policies.
Texas Government Learning Outcome: Explain the origin and development of the Texas constitution.
Topic: Amending the Constitution
Difficulty Level: Easy
Skill Level: Remember the Facts

32. The current Texas constitution can be characterized as being _____.
A. a model for the rest of the nation's states to follow
B. poorly designed
C. a model for governmental efficiency
D. as well written as the U.S. Constitution
Answer: B
Learning Objective: 2.6 Explain why those who benefit from the current constitution will work to make comprehensive reform difficult.
Texas Government Learning Outcome: Explain the origin and development of the Texas constitution.
Topic: Constitutional Revision
Difficulty Level: Moderate
Skill Level: Understand the Concepts

33. The best opportunity for Texas to have adopted a new constitution was in _____.
A. 1946 after World War II
B. 1963 after the assignations of President Kennedy
C. 1968 with the election of President Nixon
D. 1972 after the Sharpstown political scandal
Answer: D
Learning Objective: 2.6 Explain why those who benefit from the current constitution will work to make comprehensive reform difficult.
Texas Government Learning Outcome: Explain the origin and development of the Texas constitution.
Topic: The 1974 Constitutional Convention
Difficulty Level: Easy
Skill Level: Remember the Facts

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34. Why did alumni from Texas A&M University oppose the major constitutional reforms proposed in 1975?
A. They would have had to reorganize under shared administration with the University of Texas.
B. They would have had to share financial resources with a larger number of universities.
C. There was concern it would allow curricular reforms regarding the teaching of evolution.
D. Their conservative base rejected a further separation of church and state.
Answer: B
Learning Objective: 2.6 Explain why those who benefit from the current constitution will work to make comprehensive reform difficult.
Texas Government Learning Outcome: Explain the origin and development of the Texas constitution.
Topic: The 1974 Constitutional Convention
Difficulty Level: Moderate
Skill Level: Apply What You Know

35. According to the textbook authors, why is there hesitancy among state leaders to revise the Texas constitution?
A. Certain groups now in power could potentially lose that power with a revision.
B. Changes to the constitution are too easily made.
C. It is not really needed, as the state operates at a high level of efficiency.
D. A new constitution would have to be approved by the U.S. Congress.
Answer: A
Learning Objective: 2.6 Explain why those who benefit from the current constitution will work to make comprehensive reform difficult.
Texas Government Learning Outcome: Explain the origin and development of the Texas constitution.
Topic: Prospects for Revision Difficulty Level: Easy
Skill Level: Remember the Facts

36. Which statement is the best description of the current Texas constitution?
A. The Texas constitution is viewed as well constructed.
B. The Texas constitution is viewed as not well suited for today's society.
C. The Texas constitution is a concise document similar in length and powers of government established by the U.S. Constitution.
D. The Texas constitution is well tailored to the values of modern Texans.
Answer: B
Learning Objective: 2.5 Analyze how Texas's current constitution is partially a reaction to the previous Reconstruction-era document and partially a return to pre–Civil War policies.
Texas Government Learning Outcome: Demonstrate knowledge of the legislative, executive, and judicial branches of Texas government.
Topic: The 1876 Constitution
Difficulty Level: Difficult

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Skill Level: Apply What you Know

Short Answer Questions

37. What is the purpose of a constitution?
Answer: A constitution provides a framework under which government operates, grants power to political institutions, and limits the operation of that power.
Learning Objective: 2.1 Explain how state power is constrained by federalism and by the national and state constitutions.
Texas Government Learning Outcome: Describe state and local political systems and their relationship with the federal government.
Topic: Constitutions
Difficulty Level: Moderate
Skill Level: Understand the Concepts

38. What is judicial review?
Answer: Judicial review is the power of the courts to strike down laws that violate the state or national constitution.
Learning Objective: 2.1 Explain how state power is constrained by federalism and by the national and state constitutions.
Texas Government Learning Outcome: Describe state and local political systems and their relationship with the federal government.
Topic: Constitutions
Difficulty Level: Easy
Skill Level: Understand the Concepts

39. What was the primary aim behind passing the U.S. Bill of Rights?
Answer: The U.S. Bill of rights was aimed at limiting the power of the national government.
Learning Objective: 2.2 Analyze how the national government has gained power within the federalism equation.
Texas Government Learning Outcome: Describe state and local political systems and their relationship with the federal government.
Topic: Constitutions
Difficulty Level: Easy
Skill Level: Apply What You Know

40. Discuss the primary difference between the U.S. Constitution and the Texas constitution regarding their length and objectives.
Answer: The U.S Constitution is noted for its brevity while the Texas constitution is noted for its extreme length. The objective behind the U.S. Constitution is to convey broad powers while the objective behind the Texas constitution is to severely restrict government power.
Learning Objective: 2.3 Explain why state constitutions tend to be long and restrictive.
Texas Government Learning Outcome: Describe state and local political systems and their relationship with the federal government.

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Topic: State Constitutions
Difficulty Level: Difficult
Skill Level: Analyze It

41. Which group held the most influence during the constitutional convention of 1875, and what was its members' primary objective?
Answer: The Texas Grange held the most influence during the convention of 1875, and their primary objective was the reduction of government power.
Learning Objective: 2.5 Analyze how Texas's current constitution is partially a reaction to the previous
Reconstruction-era document and partially a return to pre–Civil War policies.
Texas Government Learning Outcome: Explain the origin and development of the Texas constitution.
Topic: The 1876 Constitution
Difficulty Level: Easy
Skill Level: Understand the Concepts

Essay Questions

42. Discuss the ways in which the federal government can control the states.
The ideal answer should include:

1. Federal transfer payments to states act to compel states to comply with federal goals.
2. The federal government can sue states in federal courts to compel states to adhere to federal law.
3. The Fourteenth Amendment's equal protection clause defines how states treat their citizens.
4. The U.S Bill of Rights provides a uniform standard of treatment across the nation that states must adhere to.

Learning Objective: 2.2 Analyze how the national government has gained power within the federalism equation.
Texas Government Learning Outcome: Describe state and local political systems and their relationship with the federal government.
Topic: National Gains
Difficulty Level: Difficult
Skill Level: Analyze It

43. Discuss the major differences between the last four of Texas's constitutions, and explain the reasons for these differences.
The ideal answer should include:

1. The 1861 constitution, which was written when Texas seceded from the Union, made it illegal to free enslaved people.
2. The 1865 constitution was written after Texas was forced back into the Union at the end of the Civil War. It did not make slavery illegal, as the U.S. Congress expected, and this was the primary reason that the constitution of 1869 was written.

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3. The 1869 constitution was written under the guidance of the Radical Republican Congress during Reconstruction; it created a strong, centralized government.
4. The 1876 constitution was written after the end of Reconstruction; compared to the 1869 constitution, the later document reduced the power of the government.

Learning Objective: 2.4 Differentiate among the first six constitutions of Texas.
Texas Government Learning Outcome: Explain the origin and development of the Texas constitution.
Topic: The Constitutions of Texas
Difficulty Level: Difficult
Skill Level: Analyze It

44. Discuss the role the Texas Grange played in formulating the Texas constitution of 1876, its members' main goals, and the reasons they sought these goals.
The ideal answer should include:

1. The Grange, a populist farmers' group, played a major role as the largest block of delegates to the convention of 1875.
2. Grangers wanted a cheap government in order to limit taxation.
3. Grangers wanted a weak government in order to weaken railroad and other commercial interests' ability to attack farmers' interests.
4. Grangers feared strong centralized power vested in a governor.

Learning Objective: 2.5 Analyze how Texas's current constitution is partially a reaction to the previous Reconstruction-era document and partially a return to pre–Civil War policies.
Texas Government Learning Outcome: Explain the origin and development of the Texas Constitution.
Topic: The 1876 Constitution
Difficulty Level: Difficult
Skill Level: Analyze It

45. Explain why the 1974 constitution and other efforts to revise Texas's constitution have failed.
The ideal answer should include:

1. The proposed 1974 Texas constitution contained right-to-work provisions that were considered hostile by the dominant business interests of the state.
2. It contained school funding equalization, which was considered as too costly.
3. Those interests who could lose benefits under a new constitution are stronger than those interests that would gain.
4. Constitutional revision is not a major concern of Texas voters.

Learning Objective: 2.5 Analyze how Texas's current constitution is partially a reaction to the previous Reconstruction-era document and partially a return to pre–Civil War policies.
Texas Government Learning Outcome: Explain the origin and development of the Texas constitution.
Topic: The 1876 Constitution
Difficulty Level: Difficult
Skill Level: Analyze It

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46. Explain the process of amending the Texas constitution and how often amendments have been historically approved by voters.
The ideal answer should include:

1. Both the house and the senate must approve the proposed amendment by at least a two-thirds vote.
2. Ratification of amendments approved by the legislature requires majority approval from the voters.
3. The vast majority (almost 90 percent) of all proposals that reach the voters are ratified, in part because of low voter turnout.

Learning Objective: 2.5 Analyze how Texas's current constitution is partially a reaction to the previous Reconstruction-era document and partially a return to pre–Civil War policies.
Texas Government Learning Outcome: Explain the origin and development of the Texas constitution.
Topic: Amending the Constitution
Difficulty Level: Difficult
Skill Level: Analyze It

47. Considering the failure to revise the Texas constitution, how would you explain its prospects for revision?
The ideal answer should include:

1. Revising the Texas constitution would require a large expenditure of time, money, and effort, and there is no incentive for political leaders to move ahead with revision, given those requirements. As such, revision is not likely to occur.
2. There are many interests that benefit under the established system, so there would be a large amount of opposition to revision.
3. The need to revise the constitution is not well understood by the public, so there is no great push from the people to revise.
4. Even when well-meaning politicians come up with reasonable revisions, they do not go far in the legislative process.

Learning Objective: 2.6 Explain why those who benefit from the current constitution will work to make comprehensive reform difficult.
Texas Government Learning Outcome: Explain the origin and development of the Texas constitution.
Topic: Constitutional Revision
Difficulty Level: Difficult
Skill Level: Analyze It

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Chapter 2
Federalism and the Texas Constitution

Learning Objectives

2.1 Explain how state power is constrained by federalism and by the national and state constitutions.
2.2 Analyze how the national government has gained power within the federalism equation.
2.3 Explain why state constitutions tend to be long and restrictive.
2.4 Differentiate among the first six constitutions of Texas.
2.5 Analyze how Texas's current constitution is partially a reaction to the previous Reconstruction-era document and partially a return to pre–Civil War policies.
2.6 Explain why those who benefit from the current constitution will work to make comprehensive reform difficult.

Chapter Summary

For a government practicing democratic principles, it is necessary to know what role the government has and what limitations there are. Federalism is a system in America that establishes the division of power between the national and state governments. Both divisions of government operate under constitutions, which set the parameters for each government's operation. State constitutions can empower and limit state government, but those constitutions must be within the guidelines of the U.S. Constitution. This chapter provides a closer look at federalism with the understanding that the U.S. Constitution is an exercise in brevity, while the Texas constitution is a much longer and more detailed document. This detail can at times seem to reflect the historical and political preference by Texans to limit the actions of the government. Seven constitutions have set the course of action for the state while it was part of Mexico, as its own republic, and as a member of the United States. The document still used today is the one adopted in 1876. Numerous amendments have been added that continue to increase the word count and the complexity of the document. Several attempts to rewrite the document were derailed throughout the years due to contemporary political issues of the day. Nevertheless, the Texas constitution has endured and enacts the desires of a state, emphasizing a more limited government.

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Chapter Outline

Introduction: Texas needs the United States and vice versa. This relationship between the national and state governments, known as federalism, is the core of the American government system. The Texas constitution, which sets parameters for the state government, is subject to limitations set out in the U.S. Constitution.

2.1 Federalism
Explain how state power is constrained by federalism and by the national and state constitutions.
- 2.1.1 Federalism Applied
- 2.1.2 Constitutional Limits on States
- 2.1.3 Shared Powers
- 2.1.4 Constitutions

2.2 National Gains
Analyze how the national government has gained power within the federalism equation.
- 2.2.1 Constitutional Amendments
- 2.2.2 Budgetary Pressure
- 2.2.3 The Federal Courts
  - Inside the Federalist System: Texas Sues Federal Government One More Time

2.3 State Constitutions
Explain why state constitutions tend to be long and restrictive.

2.4 The Constitutions of Texas
Differentiate among the first six constitutions of Texas
- 2.4.1 Coahuila y Tejas
- 2.4.2 The 1836 Constitution
- 2.4.3 The 1845 Constitution
- 2.4.4 The 1861 Constitution
- 2.4.5 The 1866 Constitution
- 2.4.6 The 1869 Constitution

2.5 The 1876 Constitution
Analyze how Texas's current constitution is partially a reaction to the previous Reconstruction-era document and partially a return to pre–Civil War policies
- 2.5.1 Limits on Government Power
- 2.5.2 The Bill of Rights
- 2.5.3 Amending the Constitution

2.6 Constitutional Revision
Explain why those who benefit from the current constitution will work to make comprehensive reform difficult.
- 2.6.1 The 1974 Constitutional Convention
- 2.6.2 Prospects for Revision

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Lecture Suggestions

Lecture 1: Ask students to guess which of the world's sports has the longest description of its rules. Use a trustworthy site to find your answers before class or allow students to take time and look up the answer on their electronic devices. Most likely, you will find that American football uses the largest number of words to explain the rules of the game. After football, hockey and then golf also have wordy rules.

Use this as a teaser to catch students' attention. Tell them that the Texas constitution is a very long document, close to 90,000 words. The U.S. Constitution is only 8,500 words; the award for the longest state constitution goes to Alabama, with a constitution that contains about 376,000 words.

Explain to students that the U.S. Constitution outlines how the United States operates. The state constitution sets forth additional, more detailed procedures than what is in the national constitution. The need for greater detail stems from the Tenth Amendment of the U.S. Constitution.

To help illustrate the Tenth Amendment, ask students whether, under the U.S. Constitution, everyone should have a right to a K–12 education. Allow time for responses. Remind students that the U.S. Constitution does not mention education and so the responsibility should fall to the state. This a result of the Tenth Amendment, which states that powers not covered in the U.S. Constitution are reserved to the states. Explain that the Texas constitution not only addresses a great number of issues that are not explicitly mentioned in the U.S. Constitution; it also reflects a great deal of influence from the state's history.

Present an overview of the timeline of the multiple constitutions that have served Texas. Point out the underlying current of Texas's desire to maintain a sense of sovereignty. Also point out that the state went through hard transitions during the Civil War and Reconstruction era and the federal government's push for states to ratify the Fourteenth Amendment. These transitions are reflected in the state's constitutions. Give a brief summary of the text's account of Governor E. J. Davis and many Texans who opposed his policies, including the Grangers, a populist group. Describe the effect the Grangers had on the state's 1876 constitution. Consider sharing with students that this final constitution harkens to some ideas dating back to pre–Civil War interests. Some other significant measures of this last constitution include the limitations on the executive branch, a biennial legislature, and the idea that the state must have a balanced budget.

Examine the fact that the Texas constitution is a cumbersome document that, in its more than 140 years of existence, has not seen a major revision—although there were attempts. The strongest attempt was at the 1974 state constitutional convention. Revisit some of the details of this convention, such as the fact that the writers put together a much shorter, 17,000-word document. However, the effort fell three votes shy of approval. Explain that attempts to change or revise the state constitution might not benefit all interested parties. Point to one or two examples of risks to interest groups and government officials that could be involved in changing the current state constitution.

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To bring the lecture full circle, ask students to think about learning all the rules for tennis or baseball. Do they think they could do it? Ask them what happens when new rules are added to a sport. Is the manual rewritten? Explain that the rules are added much like a constitution can have amendments added. In Texas the people are able to vote on whether to add state constitutional amendments, and this only adds to that final word tally.

Lecture 2: Ask students, "Could the United States government ever decide to sever ties with Texas?" No, it cannot, thanks to federalism.

Follow up with a brief explanation of federalism. Be sure to include the idea that there are areas that the national and state levels handle separately and times when the systems operate concurrently. Provide examples of areas that are more separate and those that are concurrent. Explain to students that, throughout the twentieth century, the national level of government has gained more power in the system of federalism, and it can be very difficult to know where one level of government ends and the other begins. Make students aware that because of the Great Depression the national government assumed a larger role in welfare policy. State governments still administer most aid programs, but the national government mandates minimum standards.

Ask students whether they have ever seen a tie in the game of Tug of War. They will likely answer no. Much like Tug of War, in the system of federalism, the national level of government pulls for power and the state governments pull for power. Often Tug of War is won by the force of the feet on the ground; in the case of federalism, the national level of government has a strong force with the U.S. Constitution. The delineation of power—who does what—is set out in the U.S. Constitution. To affect this constitutional supremacy, a change has to occur in that document or the Supreme Court must change its interpretation of what the Constitution says on a particular issue. Give an example of at least one lawsuit that Texas has filed against the U.S. government.

At the end of the lecture, challenge students with this question: "The United States cannot necessarily wake up one day and decide to sever ties with Texas, but could Texas ever decide to leave or secede from the United States?" Encourage them to think on this question and return to class with an answer.

Lecture 3: Explain to students that Texas is known for the "everything is bigger" slogan. This could be the legendary ten-gallon cowboy hat or a true slice of Texas toast. However, this is not necessarily the case when it comes to government in Texas, which seems to practice a "less is more" mentality. Remind students of Elazar's political cultures from Chapter 1 and of the fact that many in Texas desire a more limited government. This is also noted with the 1876 constitution, which placed limits on the executive, legislative, and judicial branches of Texas government.

Construct a basic organization chart of the executive branch during Governor E. J. Davis's tenure and a simple chart of the current design of the executive branch. Ask students for the main differences they see between the two. Explain that people are able to vote for the various executive offices. Take a few minutes to allow students to discuss the pros and cons of each. Use questions to guide them into deeper thought about whether the executive officers can really work

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together or does it provide a good check on the power of any branch? Make students aware that the legislative branch also was limited in its power through biennial sessions and the need to create a balanced state budget. Explain that the limitations extended to the judicial branch as well. Mention that in the coming chapters there will be more focus on these areas of government.

Review with students the information in the text that, while a state cannot give less protection to its citizens than is allowed through U.S. Supreme Court interpretations, it can give more. Use this opportunity to ask students whether they know what the U.S. Bill of Rights includes. Be prepared to show a list of the Bill of Rights to students. Use at least one example of an added guarantee in the Texas Bill of Rights, such as the provision banning sex-based discrimination found in Article 1, Section 3a.

Tell students that although many may like the idea of a limited government, there are some trade-offs. An example of this is that restrictive government could mean less state money for assistance programs for those in poverty or a tight rein on the spending in the area of health or education. However, as was mentioned in Chapter 1, many industries enjoy Texas's limited government with fewer regulations and lower taxes.

Class Activities

1. **Use critical thinking to assess the integrated relationship Texas has with the United States (LO 2.1 and 2.2).** Organize students into small groups. Have students read through a brief historical paragraph about various threats by Texans to secede from the United States. Guide them to trusted Internet sources that explain what the legal consequences are to an attempt to secede as well as what practical and economic impacts might result from an effort to secede. Have one student from each group give a report to the full class.

2. **Evaluate the similarities of the U.S. Bill of Rights and the Texas Bill of Rights (LO 2.3 and 2.5).** Move students into small groups. Print out enough copies of the U.S. Bill of Rights and the Texas Bill of Rights so that each group has a copy of each document, and give students time to examine both and list similarities. Then have groups report to the class what they noticed in the two documents. If time allows, have them look for rights given to Texans in the state's Bill of Rights that extend beyond the U.S. Bill of Rights.

3. **Question the addition of amendments to the already cumbersome Texas constitution and the lack of revision (LO 2.3 and 2.6).** Look on the Internet for current proposed Texas constitutional amendments or those from recent elections to see which are likely to be passed or were passed. Review the proposals before presenting them to the class to make sure students will find them easy to understand. Spend time with students discussing the meaning of these amendments, explaining any difficult passages. The phrasing of resolutions is another good point of discussion with students. Ask, "Can everyday voters read these proposals easily?" Next, review the story of the effort in 1974 to revise the state constitution, including the political issues that essentially killed the adoption of it. Ask students what political issues might thwart such an effort today.

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Homework Assignments

1. Read "Inside the Federalist System; Texas vs. the Feds—A Look at the Lawsuits" in the text. Then answer the critical thinking questions that follow.

2. Do further research on the Grange movement and its influences in Texas constitutional history. Be prepared to discuss your findings in class.

3. Research Black Codes and the ways in which African Americans were unable to exercise their civil rights after they were freed from slavery. Be prepared to discuss these in class.

Revel Resources for This Chapter

Chapter Introduction

Current Events Bulletin: Texas Tribune Bulletin (1)
Journal Prompt (1)
Text Map: Timeline: A Chronology of the Texas Constitution

2.1 Federalism

Current Events Bulletin: Texas Tribune Bulletin (1)
Journal Prompt (1)
Quiz 2.1: Federalism

2.2 National Gains

Journal Prompts (1)
Social Explorer Survey: What Do You Think? What does Texas Think? The Constitution
Social Explorer Graph: Figure 2.1: Most Expensive Lawsuits Since 2008
Quiz 2.2: National Gains

2.3 State Constitutions

Social Explorer Graph: Table 2.1: Length and Effective Date of State Constitutions
Social Explorer Chart: Table 2.2: Frequency of Constitutional Amendments in Selected States
Quiz 2.3: State Constitutions

2.4 The Constitutions of Texas

Quiz 2.4: The Constitutions of Texas

2.5 The 1876 Constitution

Current Events Bulletin: Texas Tribune Bulletins (1)
Journal Prompt (1)

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Quiz 2.5: The 1876 Constitution

2.6 Constitutional Revision

Quiz 2.6: Constitutional Revision

Chapter Review

Flashcards: Learn the Terms: Federalism and the Texas Constitution
Interactive: Join the Conversation: Texas Tribune Events
Interactive: In the Know: Texas Secession RSS Feed
Shared Writing: Federalism and the Texas Constitution
Chapter 2 Quiz

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