

Chapter 2: The Constitutional Setting

True/False

1. The most important function of a constitution is to establish legitimacy.

ANS: T (p. 20)

2. State constitutions, as compared to the national constitution, tend to be relatively brief and provide a minimum of detail.

ANS: F (p. 20)

3. The principle of separation of power and checks and balances is found in both the U.S. and state constitutions.

ANS: T (p. 21)

4. Whenever a state constitution conflicts with the national constitution, the state constitution is supreme.

ANS: F (p. 20)

5. As a result of the conservative political culture of Texas, the Texas Constitution has significant restrictions on the government's ability to act.

ANS: T (p. 21)

6. The Texas constitution is much more restrictive than the national constitution.

ANS: T (p. 21)

7. Texas is currently being governed by the sixth constitution since it achieved independence.

ANS: T (p. 21)

8. The Texas Constitution has been amended significantly more times than the U.S. Constitution.

ANS: T (p. 24)

9. The Texas Constitution differs from the national constitution by granting broad powers to the government with few limitations.

ANS: F (p. 21)

10. Texas's admission to the Union was delayed for ten years after it achieved independence because of the slavery issue.

ANS: T (p. 22)

11. One of the key principles of Jacksonian democracy was the expansion of individual participation in government.

ANS: T (p. 23)

12. The Constitution of 1869 created a strong centralized government with generous salaries for elected officials, provided for appointed judges, and annual sessions of the Texas legislature.

ANS: T (p. 23)

13. The Texas Constitution is longer than all but one other state constitution.

ANS: T (p. 24)

14. Unlike the U.S. Constitution, the Texas Constitution does not contain a Bill of Rights.

ANS: F (p. 25)

15. Like the U.S. Constitution, the Texas Constitution grants broad sweeping powers to the Texas legislature.

ANS: F (p. 26)

16. The Texas Constitution strictly limits the length of time the Texas legislature may meet.

ANS: T (p. 27)

17. The Texas Constitution creates an executive branch which fragments executive authority.

ANS: T (p. 28)

18. The Texas Constitution grants broad powers to counties and allows them to organize as they choose.

ANS: F (p. 28)

19. The Texas Constitution contains many “deadwood” sections.

ANS: T (p. 29)

20. The failure of the effort to reform the Texas Constitution in 1975 was largely the result of powerful interests who did not wish to risk any change in the Constitution.

ANS: T (p. 32)

Multiple Choice Questions

1. Which of the following is not a purpose of a constitution?

- A. give legitimacy to the government
- B. organize the government
- C. select officials

- D. grant specific powers to the government

ANS: C (p. 21)

- 2. As a result of Texas's conservative tradition, the Texas Constitution:
 - A. contains much statutory material which is not found in the national constitution
 - B. strictly limits the power of the governor
 - C. imposes numerous restraints on the Texas legislature
 - D. all of the above are true statements

ANS: D

- 3. One of the main principles of Jacksonian democracy was the belief that:
 - A. judges should be appointed
 - B. all executive officials should be elected
 - C. Texas state senators should be elected to life terms
 - D. that voting should be limited to those with education and wealth

ANS: B (p. 22)

- 4. The Constitution of 1869 was characterized by:
 - A. generous salaries for public officials
 - B. appointed judges
 - C. annual sessions of the legislature
 - D. all of the above

ANS: D

- 5. The farmer's organization which played an important role in the post-reconstruction politics of Texas in the 1870's was known as the _____.
 - A. the Knight of Labor
 - B. Knights of the White Camellia
 - C. Patrons of Husbandry (the Grange)
 - D. Friend of the Working Man

ANS: C (p. 24)

- 6. Compared to other state constitutions, the Texas Constitution is:
 - A. much shorter than most
 - B. of average length
 - C. much longer and more detailed
 - D. the longest state constitution in the country

ANS: C (p. 24)

- 7. The Texas Constitution and the U.S. Constitution share which of the following?
 - A. both provide for a single chief executive officer to control the executive branch
 - B. both specify the salaries of the legislative branch
 - C. both divide the powers of government between three branches
 - D. both provide for an elective judges

ANS: C (p.25)

8. Regarding the Texas Constitution's Bill of Rights and the U.S. Constitution, which statement is true?
- A. in the event of a conflict between the two documents, the Texas Bill of Rights prevails
 - B. in the event of a conflict between the two documents, the U.S. Bill of Rights prevails
 - C. the Texas Bill of Rights has been replaced by the U.S. Bill of Rights
 - D. the U.S. Bill of Rights has been replaced by the Texas Bill of Rights

ANS: B (p. 20)

9. Traditionally, the separation of powers principle refers to
- A. a division of authority between state and national governments
 - B. the division of governmental powers among the legislative, executive, and judicial branches
 - C. the division of legislative responsibilities between a House of Representatives and a Senate
 - D. the separation of administrative powers and responsibilities among several executive offices

ANS: B (p.26)

10. The Texas Constitution, with regard to the executive branch, provides for the following:
- A. an executive in which authority is centralized in the governor's office
 - B. an executive in which the governor appoints all of the other state-wide office holders
 - C. a "fragmented" or "disintegrated" executive branch
 - D. an executive branch in which the top officials are appointed by a committee of the legislature

ANS: C (p.27)

11. Which of the following statements concerning the structure of the judicial branch in Texas as established by the Texas Constitution is true?
- A. the structure, organization, and jurisdictions of the courts is solely the responsibility of the legislature
 - B. the structure, organization, and jurisdictions of the courts are spelled out in the Texas Constitution
 - C. the structure and organization are dictated by federal law
 - D. the structure and organization are provided for by rules adopted by the Texas Supreme Court

ANS: B (p. 28)

12. Amendments to the Texas Constitution may be proposed by
- A. the legislature by a two-thirds vote of each house
 - B. by the governor of Texas through an executive order
 - C. by the voter's of the state through a petition signed by a given percentage of the state's voters
 - D. either the governor or the state's voters

ANS: A (p. 29)

13. For an amendment to the Texas Constitution to become effective, it must be approved by
- A. a majority of members of the US Congressional Delegation from Texas
 - B. by a majority of those persons eligible to vote in Texas
 - C. by a majority of those persons who voted on the proposed amendment
 - D. by a majority of those persons who voted in the election

ANS: C (p. 29)

14. All of the following statements are true of the Texas Constitution except
- A. it has been recently completely revised
 - B. it has been extensively amended by numerous single amendments
 - C. it contains a high degree of detail concerning the organization and operation of the state government
 - D. it divides and isolates governmental powers

ANS: A (p. 29-32)

15. Which of the following is not a focus for those seeking revision of the Texas Constitution?
- A. annual sessions of the Texas legislature
 - B. a more rational structure for the Texas court system
 - C. an executive branch modeled on the national executive branch
 - D. a change in the jury system used by Texas courts

ANS: D (p. 30-31)

16. A constitutional amendment adopted in 1972 authorized _____ to convene itself as a constitutional convention.
- A. the Texas Legislature
 - B. the Supreme Court
 - C. the Texas Constitutional Revision Commission
 - D. the Texas Bar Association

ANS: A (p. 31)

17. Which of the following issues helped deadlock the Constitutional Convention of 1974 and prevented the Convention from submitting the Constitution that had been drafted?
- A. a battle over a proposed income tax for Texas
 - B. a fight between business and labor over adding a right-to-work provision to the Texas Constitution
 - C. a proposal to impose a tax on natural gas production
 - D. a proposal to increase the pay of Texas Legislators

ANS: B (p. 31)

18. The funding for the campaign against the new constitution in 1975 largely was financed by
- A. the Texas Democratic Party
 - B. the Texas Republican Party
 - C. special interest groups such as real estate developers, agricultural interests, and oil development interests
 - D. civil rights activists who were upset with the civil rights provisions of the new constitution

ANS: C (p.31)

19. Which of the following factors was most responsible for the failure of the effort to revise the Texas Constitution in 1993?
- A. more immediate problems such as the budget shortfall, school finance, and problems with the

- prison system intervened
- B. withdrawal of the proposal by its authors
- C. opposition by the governor
- D. opposition by the media

ANS: A (p. 32)

20. Which of the following was not a proposal for a new constitution made by Rep. Rob Junell and Sen. David Ratliff in 1997?
- A. longer terms of office for both Texas senators and Texas House of Representatives members
 - B. authority to appoint all of the officers of the executive branch by the governor
 - C. streamlining the judicial branch, with judges to be appointed by the governor
 - D. allowing the legislature to convene itself to reconsider vetoes by the governor

ANS: B (p. 32)

Essay Questions

1. What are the four main purposes of a constitution? How does the Texas Constitution compare to the Constitution of the United States on one of these four purposes?
2. How did Reconstruction in Texas affect the current constitution of Texas?
3. Trace the process for proposing and adopting an amendment to the Texas Constitution.
4. Why do special interests seek to have favorable provisions written into the Texas Constitution rather than into law?