

THE TEXAS CONSTITUTION

Rules on State and Local Power

Complete the InQuizitive exercises for Chapter 2 as you work through this outline.

State Constitutions

- Purpose and limits
 - Sets up the rules for governing
 - Structure
 - Separation of powers
 - Restrictive limits on authority
 - Direct democracy
 - Differences with the national document
 - Broad scope
 - Many replaced and often amended

The Road to 1876

Familiarize yourself with the five constitutions written in Texas since joining the U.S. on pages 55-64 in Governing Texas. What was the historical motivation behind adopting each new ruling document?

- 1845 - Entrance into the Union
 - Patterned after the U.S. Constitution
 - Jacksonian amendments of 1850

The link below describes the influence of Jacksonian Democracy in Texas' constitutions. Read the last paragraph in the section "The State Constitution of 1845" to answer the question below:

<https://dlc.dcccd.edu/txgov1-2/texas-constitutional-history>

What elements of the Texas Constitution are consistent with Jacksonian Democracy? Which Constitution was the least Jacksonian, and why?

- 1861 - Entrance into the Confederacy
 - Professed allegiance to the Confederacy
 - Prohibition against abolition
- 1866 - Reconstruction
 - Repeal of secession
 - Recognized the supremacy of the U.S. Constitution
 - Essentially a reenactment of the 1845 document

- 1869 - Admission of defeat
 - Addressed concerns of the Radical Republicans
 - Increased the power of the governor to make appointments
 - Annual legislative sessions
- The 1875 Convention
 - A majority involved were white Democrats
 - The Grange
 - Reinstatement of Jacksonian principles
 - Control of business
 - Prohibition of branch banking
 - Homestead protection from most debts

Elements of the Document

- Bill of rights
 - Phrases rights positively
 - Right to jury trial
- Separation of powers
 - Mirrors that of the U.S. Constitution
 - Governor is weaker
- Policy provisions
 - Detailed descriptions of powers and limitations

The differences in principle between the U.S. and Texas constitutions receive brief discussion on pages 47-49 in Governing Texas. What are some specific examples of how these documents differ?

Constitutional Change

- Amendment
 - The legislature proposes
 - The people approve
 - Difficulty
- Practice
 - Informal tradition transcends limitations
- Judicial interpretation
 - Detailed limits on power diminish possibility
- Revision
 - Proposals to scrap the document