

## **CHAPTER 2**

### **The Constitutional Setting**

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#### **TRUE/FALSE**

1. Most states, including Texas, no longer have unenforceable constitutional and statutory provisions that conflict with federal laws.

ANS: F                      PTS: 1                      REF: 39

2. The first purpose of a constitution is to give legitimacy to the government.

ANS: T                      PTS: 1                      REF: 40

3. The traditionalistic/individualistic political culture is dedicated to unlimited governmental action.

ANS: F                      PTS: 1                      REF: 40

4. In Texas, the traditionalistic-individualistic political culture resulted in a heavy emphasis on limiting government's ability to act.

ANS: T                      PTS: 1                      REF: 40

5. Article I, Section 8 of the United States Constitution expressly grants certain powers to the national government and implies a broad range of additional powers through the "necessary and proper" clause.

ANS: T                      PTS: 1                      REF: 41

6. Both the Texas Constitution and the U.S. Constitution are based on the principle of separation of powers.

ANS: T                      PTS: 1                      REF: 41

7. The incorporation of the Bill of Rights has required Texas to apply national provisions to state criminal cases.

ANS: T                      PTS: 1                      REF: 41

8. The Texas Constitution is much more flexible in allowing government to act than the national Constitution.

ANS: F                      PTS: 1                      REF: 43

9. The Constitution of 1869 was heavily influenced by Jacksonian democracy, which produced long ballots, short terms of office for lawmakers, and the expansion of voting rights.

ANS: F                      PTS: 1                      REF: 44

10. Because Texas allowed slavery, northern states delayed Texas statehood for a decade.

ANS: T                      PTS: 1                      REF: 44

11. Texans resented the Constitution of 1869 because the document was forced on the state by outsiders, known as “carpetbaggers.”

ANS: T                      PTS: 1                      REF: 44

12. Delegates to the 1875 Constitutional Convention, reflecting the philosophy of the Grange, were overwhelmingly liberal.

ANS: F                      PTS: 1                      REF: 45

13. Article II of the Texas Constitution describes the positive powers of the Texas legislature.

ANS: F                      PTS: 1                      REF: 46

14. The Texas Constitution has been amended over 460 times.

ANS: T                      PTS: 1                      REF: 46, 55

15. The Texas Constitution is shorter in length than the U.S. Constitution.

ANS: F                      PTS: 1                      REF: 47

16. In spite of its length, the Texas Constitution is a well organized document.

ANS: F                      PTS: 1                      REF: 47

17. The Texas Bill of Rights provides for equality under the law, religious freedom including separation of church and state; due process for the criminally accused, and freedom of speech and of the press.

ANS: T                      PTS: 1                      REF: 47, 48

18. Because they feared the possible abuse of power by the government, the framers of the Texas Constitution did not include checks and balances among government branches in the document.

ANS: F                      PTS: 1                      REF: 48

19. Rather than granting broad powers, the legislative article of the Texas Constitution emphasizes the specific actions the legislature may not take.

ANS: T                      PTS: 1                      REF: 50

20. Little similarity exists between the provisions for the executive branch in the Texas Constitution and in the national Constitution.

ANS: T                      PTS: 1                      REF: 50

21. The Texas Constitution requires that the comptroller of public accounts and the attorney general be elected statewide.

ANS: T                      PTS: 1                      REF: 51

22. Texas has a plural executive.

ANS: T                      PTS: 1                      REF: 51

23. The Texas Constitution provides enough formal powers to make the state's governor one of the strongest in the country.

ANS: F                      PTS: 1                      REF: 51

24. The judicial article of the Texas Constitution creates two supreme courts.

ANS: T                      PTS: 1                      REF: 52

25. Qualifications for Texas judges stated in the Texas Constitution often allow those with no legal training to be eligible for a trial court bench.

ANS: T                      PTS: 1                      REF: 52

26. Forms of local government authorized by the Texas Constitution include counties, municipalities, and special districts.

ANS: T                      PTS: 1                      REF: 53

27. Home Rule cities have very limited powers and cannot write their own city laws.

ANS: F                      PTS: 1                      REF: 53

28. Amendments to the Texas Constitution are proposed by an absolute two-thirds majority vote in both houses of the legislature.

ANS: T                      PTS: 1                      REF: 54

29. Unlike other laws, constitutions tend to be immune to political pressures.

ANS: F                      PTS: 1                      REF: 61

30. In the amending process, special interest groups typically set aside their own particular political, social, or economic viewpoints in order to promote the broader public interest.

ANS: F                      PTS: 1                      REF: 61

## **MULTIPLE CHOICE**

1. Article VI of the U.S. Constitution provides that in the case of a conflict between the U.S. Constitution and a state constitution,
- the U.S. Constitution invariably takes precedence.
  - the state constitution invariably takes precedence.
  - the issue involved determines which document takes precedence.
  - the question of precedence must be settled by the U.S. Congress.
  - the question of precedence must be settled by the state legislature.

ANS: A                      PTS: 1                      REF: 39

2. When the acts of the government are accepted by the citizens as moral, fair, and just, the government is said to have
- sovereignty.

- b. authority.
- c. legitimacy.
- d. justice.
- e. all of the above.

ANS: C                      PTS: 1                      REF: 40

3. The traditionalistic-individualistic political culture of Texas resulted in a constitution
- a. that centralizes power in the governor.
  - b. with a heavy emphasis on limiting government's ability to act.
  - c. that does not have a bill of rights.
  - d. with unlimited controls on spending.
  - e. with a high degree of flexibility.

ANS: B                      PTS: 1                      REF: 40

4. Constitutions serve to
- a. give legitimacy to the government.
  - b. organize the government.
  - c. grant specific powers to the government.
  - d. limit the power of the government.
  - e. all of the above.

ANS: E                      PTS: 1                      REF: 40–42

5. In the United States, checks and balances allow each branch of government to restrain the other branches and in so doing support the principle of
- a. separation of powers.
  - b. popular sovereignty.
  - c. legitimacy.
  - d. judicial review.
  - e. national supremacy.

ANS: A                      PTS: 1                      REF: 41

6. "Incorporation" means that the \_\_\_\_\_ limits state government powers.
- a. supremacy of the laws clause
  - b. "necessary and proper" clause
  - c. "full faith and credit" clause
  - d. preamble
  - e. Bill of Rights

ANS: E                      PTS: 1                      REF: 41

7. The \_\_\_\_\_ provided for appointed judges and annual legislative sessions.
- a. "statehood" Constitution" of 1845
  - b. Civil War Constitution of 1861
  - c. Constitution of 1866
  - d. Constitution of 1869
  - e. Constitution of 1876

ANS: D                      PTS: 1                      REF: 44

8. Which of the following were most influential in initiating and shaping the outcome of the Texas Constitutional Convention of 1875?
- a. Members of the Grange

- b. Radical Republicans
- c. Mexican Americans
- d. Union Army veterans
- e. Former slaves

ANS: A                      PTS: 1                      REF: 45

9. The constitution adopted in 1876 included provisions to do all of the following **except**
- a. set the salaries of elected officials in the constitution.
  - b. establish a state debt ceiling.
  - c. limit the governor's term to two years.
  - d. hold annual regular legislative sessions.
  - e. limit the number of executive appointments the governor may make.

ANS: D                      PTS: 1                      REF: 45

10. The twenty counties that voted against ratification of the constitution in 1876 were
- a. located in West Texas.
  - b. located in South Texas.
  - c. urban.
  - d. rural.
  - e. divided between rural and urban areas.

ANS: C                      PTS: 1                      REF: 45

11. By mid-2011, the Texas Constitution had been amended \_\_\_\_ times.
- a. 42
  - b. 189
  - c. 241
  - d. 467
  - e. 620

ANS: D                      PTS: 1                      REF: 46

12. Article I of the Texas Constitution contains
- a. provisions pertaining to the legislative branch.
  - b. provisions pertaining to the executive branch.
  - c. provisions pertaining to the judicial branch.
  - d. provisions pertaining to the amending procedure.
  - e. the Texas Bill of Rights.

ANS: E                      PTS: 1                      REF: 46

13. The Texas Constitution and the U.S. Constitution are alike in that
- a. both provide for a chief executive able to control the executive branch.
  - b. both specify the salaries of members of the legislative branch.
  - c. both divide governmental functions among three branches.
  - d. neither provides for an elected judiciary.
  - e. neither protects against discrimination based on gender.

ANS: C                      PTS: 1                      REF: 47

14. The Texas Constitution specifies that \_\_\_\_ is/are to be elected.
- a. the lieutenant governor
  - b. the comptroller of public accounts
  - c. the Commissioner of the General Land Office

- d. the attorney general
- e. all of the above

ANS: E                      PTS: 1                      REF: 51

15. The plural executive of Texas has resulted in an executive branch that is
- a. centralized.
  - b. fragmented.
  - c. a cabinet form of government.
  - d. the strongest in the nation.
  - e. modeled on the U.S. presidency.

ANS: B                      PTS: 1                      REF: 51

16. The judicial article of the Texas Constitution creates
- a. two supreme courts.
  - b. trial courts with overlapping jurisdiction.
  - c. an elected judiciary.
  - d. a requirement that sheriffs be elected in each county.
  - e. all of the above.

ANS: E                      PTS: 1                      REF: 52

17. Home rule refers to
- a. the power of the legislature to control cities.
  - b. the authority of a local government to write its own charter and make changes in it without legislative approval.
  - c. the right of homeowners to own guns.
  - d. the authority of the national government to provide homeland security.
  - e. the homestead exemption on property taxes that is available to senior citizens.

ANS: B                      PTS: 1                      REF: 53

18. The Texas Constitution requires that all \_\_\_\_ be governed by a commission that combines executive and legislative authority and is headed by a judge.
- a. counties
  - b. municipalities
  - c. general-law cities
  - d. special districts
  - e. school districts

ANS: A                      PTS: 1                      REF: 53

19. The Texas Constitution establishes limited-purpose local governments with taxing authority known as
- a. municipalities.
  - b. general-law cities.
  - c. unincorporated townships.
  - d. special districts.
  - e. counties.

ANS: D                      PTS: 1                      REF: 53

20. Amendments to the Texas Constitution may be proposed by
- a. the legislature only.
  - b. either the legislature or the governor.
  - c. either the legislature or the state's voters.

- d. either the governor or the state's voters.
- e. the Supreme Court only.

ANS: A                      PTS: 1                      REF: 54

21. Those who advocate reform of the Texas Constitution generally focus on which of the following issues?
- a. Biennial legislative sessions
  - b. Excessive detail in the Constitution
  - c. The plural executive branch
  - d. Weak county governments
  - e. All of the above

ANS: E                      PTS: 1                      REF: 57

22. The last time Texans had an opportunity to vote on a new constitution was
- a. 1932.
  - b. 1954.
  - c. 1969.
  - d. 1975.
  - e. 1984.

ANS: D                      PTS: 1                      REF: 58

23. Special interests in Texas often attempt to have policies favoring them included in the constitution because
- a. there is great prestige in having their "own" provisions in the constitution.
  - b. the constitution is more difficult to change than ordinary laws.
  - c. constitutional amendments can be approved more quickly than ordinary laws.
  - d. voters tend to pay little attention to what is done to the constitution.
  - e. all of the above.

ANS: B                      PTS: 1                      REF: 61

24. Which of the following are strategies used by groups to embed their particular policy concerns in the Constitution?
- a. Secure a provision that will result in economic gains for the group
  - b. Prohibit the state from taking a particular action
  - c. Secure tax relief
  - d. Advance a special interest that is already the subject of a constitutional guarantee
  - e. All of the above

ANS: E                      PTS: 1                      REF: 61

25. The legislative article of the Texas constitution
- a. places term limits on state legislators.
  - b. provides for long and frequent legislative sessions.
  - c. allows legislators to set their own salaries.
  - d. emphasizes the positive powers of the legislature.
  - e. places innumerable restrictions on legislative action.

ANS: E                      PTS: 1                      REF: 65

## ESSAY

1. One of the purposes of constitutions is to limit governmental power. In your essay, identify and explain the concepts of the Texas Constitution that serve to limit governmental authority.

ANS:

Students' answers will vary.

PTS: 1

2. Texas has had six Constitutions, beginning with the Republic of Texas Constitution in 1836. In your essay, discuss the factors that have required new constitutions to be written. How did the various constitutions reflect the politics of the time in which they were written?

ANS:

Students' answers will vary.

PTS: 1

3. Compare and contrast the Texas Constitution with the U.S. Constitution? How are the provisions related to the legislature, the executive branch, and the judiciary similar, and how are they different, in the two documents? What effect have changes in the U.S. Constitution had on the Texas Constitution?

ANS:

Students' answers will vary.

PTS: 1

4. How is the Texas Constitution amended? Discuss what accounts for the frequency of amendment to the Texas Constitution compared with the infrequency of amending the U.S. Constitution.

ANS:

Students' answers will vary.

PTS: 1

5. How is the Texas Constitution viewed by special interest groups in the state? What are the advantages and disadvantages to interest groups in having their particular concerns addressed in the constitution?

ANS:

Students' answers will vary.

PTS: 1