

CHAPTER 2: Federalism and the Texas Constitution

MULTIPLE CHOICE

1. The two sources for the powers of the Texas government to govern are the
 - a. U.S. Bill of Rights and the United Nations Charter.
 - b. Texas Constitution and Texas's membership in the federal Union.
 - c. Texas Constitution and the United Nations Charter.
 - d. North American Free Trade Agreement and the U.S. Constitution.

ANS: B REF: 49 NOT: applied

2. Which of the following is a false statement about the Texas Constitution?
 - a. It limits actions of the national government.
 - b. It outlines the structure of Texas's state government.
 - c. It authorizes the creation of cities and counties.
 - d. It establishes basic rules for state governance.

ANS: A REF: 49 NOT: applied

3. Understanding the difference between state government and federal government involves
 - a. knowing that state constitutions are more powerful than the U.S. Constitution.
 - b. understanding that the federal constitution is weaker than state constitutions.
 - c. understanding that state constitutions are subject to the U.S. Constitution.
 - d. understanding that the Supremacy Clause does not apply to most of the states.

ANS: C REF: 49 NOT: applied

4. A system of government in which power is divided between a general government and associated regional governments is a(n)
 - a. unitary system.
 - b. confederate system.
 - c. federal system.
 - d. autocratic system.

ANS: C REF: 49 NOT: conceptual

5. The Tenth Amendment to the U.S. Constitution
 - a. denies all powers to the states except for those specifically granted to them.
 - b. makes no mention of the state governments.
 - c. grants all undesignated powers to the federal government.
 - d. reserves to the states those powers not delegated to the federal government.

ANS: D REF: 49 NOT: conceptual

6. "All powers not specifically delegated to the national government, nor prohibited to the States, are reserved to the States or to the people." This statement is part of
 - a. Article IV of the U.S. Constitution.
 - b. the Declaration of Independence.
 - c. the Tenth Amendment to the U.S. Constitution.
 - d. the Civil Rights Act of 1964.

ANS: C REF: 49 NOT: factual

7. The national supremacy clause is found in which article of the U.S. Constitution?
- a. Article I
 - b. Article V
 - c. Article VI
 - d. Article X

ANS: C REF: 50 NOT: factual

8. According to the national supremacy clause,
- a. state laws take precedence over federal laws.
 - b. federal laws enacted under the U.S. Constitution take precedence over state laws.
 - c. state constitutions are supreme over the national constitution.
 - d. law passed by Congress take precedence over the U.S. constitution.

ANS: B REF: 50 NOT: applied

9. Powers specifically stated in the U.S. Constitution are referred to as
- a. delegated powers.
 - b. implied powers.
 - c. inherent powers.
 - d. reserved powers.

ANS: A REF: 50 NOT: conceptual

10. The “necessary and proper” clause, found in Article I, Section 8 of the U.S. Constitution, is an example of which of the following?
- a. Delegated power
 - b. Implied power
 - c. Inherent power
 - d. Reserved power

ANS: B REF: 50 NOT: conceptual

11. The regulation of commerce among the several states by the U.S. Congress is an example of a(n)
- a. delegated power.
 - b. implied power.
 - c. inherent power.
 - d. reserved power.

ANS: A REF: 50 NOT: applied

12. Congress has expanded the scope of the national government through its grant of
- a. delegated powers.
 - b. implied powers.
 - c. inherent powers.
 - d. reserved powers.

ANS: B REF: 50 NOT: applied

13. Texas may divide into as many as five states under the terms of
- a. the Texas constitution.
 - b. the congressional resolution admitting Texas into the Union.
 - c. Article V of the U.S. Constitution.
 - d. the Tenth Amendment of the U.S. Constitution.

ANS: B REF: 50 NOT: factual

14. Article VI of the U.S. Constitution emphasizes that the U.S. Constitution
- must be subservient to the states under the Tenth Amendment.
 - must prevail over state constitutions.
 - must be amended to comply with state laws.
 - is supreme in legal matters only.

ANS: B REF: 50 NOT: applied

15. Which of the following is not protected by the U.S. Constitution?
- Republican forms of government in each state
 - Territorial integrity—a state cannot be combined with another state without its consent
 - Each state is provided two members in the U.S. Senate and at least one member in the U.S. House of Representatives
 - Equal votes for each state in the Electoral College

ANS: D REF: 50 | 51 NOT: applied

16. In *Texas v. White* (1869), the U.S. Supreme Court found that
- the U.S. Constitution does not provide for states to leave the Union.
 - states are required to give full faith and credit to court decisions from other states.
 - states must pay the national government debt.
 - English is the official language of the United States.

ANS: A REF: 51 NOT: applied

17. The U.S. Constitution prohibits Texas from all of the following, *except*
- denying the right to vote based on gender.
 - denying the right to vote based on race.
 - denying the right to vote based on payment of a tax.
 - denying the right to vote based on residency.

ANS: D REF: 51 NOT: applied

18. The process of applying portions of the Bill of Rights to states, through the Fourteenth Amendment's due process clause, is referred to as
- incorporation.
 - segregation.
 - secession.
 - integration.

ANS: A REF: 51 NOT: conceptual

19. Which situation would be covered by the "full faith and credit" clause of the U.S. Constitution?
- Texas recognizes a Louisiana marriage license.
 - Texas returns a fugitive from Oklahoma.
 - Texas charges out-of-state tuition for a citizen of Iowa attending college in Texas.
 - Texas grants a corporation domiciled in Ohio the privilege of doing business in Texas.

ANS: A REF: 53 NOT: applied

20. What part of the U.S. Constitution provides that the citizen of one state is entitled to the same privileges and immunities of a citizen of another state?
- Article V
 - Article IV
 - the Fifth Amendment

d. the Tenth Amendment

ANS: B

REF: 53

NOT: factual

21. Which of the following would not be considered a reserved power?
- Use of police power
 - Adoption of international treaties
 - Assessment of a property tax
 - Ownership of public water supply

ANS: B

REF: 54

NOT: applied

22. The power of government to appropriate private property for public projects is referred to as
- incorporation.
 - eminent domain.
 - appraisal.
 - receivership.

ANS: B

REF: 54

NOT: conceptual

23. With regard to federalism, the United States Constitution
- codifies the reserved powers of the states.
 - provides a specific list of state powers.
 - leaves the reserved powers of the states undefined.
 - specifies all of the reserved powers of the states.

ANS: C

REF: 54

NOT: conceptual

24. The trend in federal-state relations since the 1980s can *best* be described as the
- federal government assuming more financial responsibility for state programs.
 - states assuming more responsibility for Social Security and Medicare.
 - federal government transferring more responsibility to the states but reducing funding.
 - states playing a larger role in the area of national defense and border security.

ANS: C

REF: 56

NOT: conceptual

25. In which of the following ways can the federal government influence state policymaking?
- Directly elect state officials.
 - Directly legislate for the state.
 - Place states in receivership.
 - Offer federal grants-in-aid.

ANS: D

REF: 56

NOT: applied

26. During the twentieth century the federal government extended its jurisdiction into areas traditionally within the realm of state and local governments principally through
- repeal of the Tenth Amendment.
 - broad interpretation of the interstate commerce clause.
 - state government secession.
 - a more restricted use of Article I power.

ANS: B

REF: 56

NOT: applied

27. The decline in national control over state governments is referred to as
- nationalization.
 - devolution.

- c. incorporation.
- d. segregation.

ANS: B REF: 57 NOT: conceptual

28. Governor Rick Perry, in opposing federal stimulus funds from the Obama Administration hinted at
- a. withdrawing from the Confederacy.
 - b. having Texas secede from the Union.
 - c. joining the Daughters of the Republic of Texas.
 - d. the possibility of opposing Obama for president.

ANS: B REF: 58 NOT: applied

29. How many amendments to the Texas Constitution were adopted between 1876 and 2012?
- a. 27
 - b. 50
 - c. 474
 - d. 502

ANS: C REF: 59 NOT: factual

30. The Texas Constitution is lengthy and detailed primarily because
- a. the U.S. Constitution requires that state constitutions be longer than the federal.
 - b. Texas is a geographically large and populous state.
 - c. the 1875 convention met for a very long period of time.
 - d. too much policy is spelled out in the constitution.

ANS: D REF: 59 NOT: applied

31. In its capacity as fundamental law, the Texas Constitution
- a. spells out the size and salary of the legislature.
 - b. creates governmental institutions, assigns them powers, and places limitations on them.
 - c. determines the property tax rate.
 - d. provides for revision once in each generation.

ANS: B REF: 59 NOT: applied

32. The Texas Constitution has needed hundreds of amendments due to
- a. its specificity and detail.
 - b. time limits on various provisions.
 - c. broad powers granted to the legislature.
 - d. the constant indecision of the state government.

ANS: A REF: 59 NOT: applied

33. The Texas Constitution can best be described as
- a. one of the best constitutions ever written.
 - b. a simple code of laws.
 - c. a model based upon the national constitution.
 - d. an example of Mexican influence.

ANS: B REF: 59 NOT: applied

34. Mexico gained its independence from Spain in
- a. 1824.
 - b. 1836.

- c. 1845.
- d. 1821.

ANS: D REF: 60 NOT: factual

35. Texas's first experience with a state constitution occurred in
- a. 1827.
 - b. 1836.
 - c. 1824.
 - d. 1845.

ANS: A REF: 60 NOT: factual

36. All of the following were factors that led Texans to declare independence from Mexico, *except*
- a. annexation to the United States.
 - b. Anglo attitudes of racial superiority.
 - c. anger over Mexico's abolition of slavery.
 - d. a desire for unrestricted trade with the United States.

ANS: A REF: 60 NOT: applied

37. According to the text, Texas has had _____ constitutions.
- a. six
 - b. seven
 - c. five
 - d. seventeen

ANS: B REF: 60 NOT: factual

38. The constitution of 1836 was
- a. modeled on that of Mexico.
 - b. Texas's first state constitution.
 - c. the governing instrument for the Republic of Texas.
 - d. unwritten.

ANS: C REF: 61 NOT: applied

39. Under the Texas Constitution of 1836, which individual was elected as president of the new republic?
- a. General Antonio Lopez de Santa Anna
 - b. Edmund Jackson Davis
 - c. Jefferson Davis
 - d. Sam Houston

ANS: D REF: 61 NOT: factual

40. Annexation of Texas into the United States was authorized by Congress in
- a. 1836.
 - b. 1845.
 - c. 1861.
 - d. 1870.

ANS: B REF: 61-62 NOT: factual

41. The principal historic event surrounding the Texas Constitution of 1861 was
- a. joining the American federal Union.
 - b. joining the southern Confederacy.

- c. Reconstruction.
- d. a financial depression.

ANS: B REF: 62 NOT: applied

42. The principal historic event shaping the 1866 Texas Constitution was
- a. joining the southern Confederacy.
 - b. reinstatement into the Union after the Civil War.
 - c. re-seeking full independence.
 - d. division of the state.

ANS: B REF: 62 NOT: applied

43. The 1866 Texas Constitution extended to African Americans the right to
- a. vote.
 - b. hold public office.
 - c. sue.
 - d. testify against whites.

ANS: C REF: 62 NOT: applied

44. The principal historic event surrounding the Texas Constitution of 1869 was
- a. joining the southern Confederacy.
 - b. meeting the demands of Reconstruction.
 - c. independence.
 - d. Jacksonian democracy.

ANS: B REF: 62 | 63 NOT: applied

45. The Reconstruction governor of Texas who was unpopular with former slave owners was
- a. Oran Milo Roberts.
 - b. Richard Coke.
 - c. "Oxcart" John M. Ireland.
 - d. Edmond J. Davis.

ANS: D REF: 63 NOT: applied

46. According to Patrick G. Williams and Barry A. Crouch, the negativity against E.J. Davis is the result of
- a. reactions by former slave owners toward the freedom of black slaves.
 - b. the defeat of "Texicans" at the Alamo.
 - c. T.R. Fehrenbach's negative characterization of slaves.
 - d. Governor Davis's support of slavery and the Confederacy.

ANS: A REF: 63 NOT: applied

47. The Texas Constitution of 1869 provided for all of the following, *except*
- a. annual legislative sessions.
 - b. gubernatorial appointment of judges.
 - c. more centralized state government.
 - d. six-year term for all executive offices.

ANS: D REF: 63 NOT: applied

48. Which of the following does not describe the Texans elected to a state constitutional convention in the summer of 1875?

- a. Mostly non-native Texans
- b. Members of the Texas Grange
- c. Texans dedicated to reducing government spending
- d. Residents interested in strengthening the power of state government

ANS: D REF: 64 NOT: applied

49. In part, in order to dismantle the Reconstruction efforts of Governor E.J. Davis, the authors of the 1876 Texas Constitution
- a. ended segregation in Texas.
 - b. disallowed taxpayers the right to vote on judgeships.
 - c. reinstated racial segregation in public education.
 - d. allowed blacks to attend all white schools.

ANS: C REF: 64 NOT: applied

50. The importance of the Texas Grange was that it
- a. dominated the Convention of 1868, which wrote the 1869 constitution.
 - b. advocated large public subsidies to railways.
 - c. supported African American political, economic, and social equality.
 - d. advocated “retrenchment and reform”—a weak and cheap government.

ANS: D REF: 64 NOT: conceptual

51. Political control of the 1875 Texas Constitutional Convention was in the hands of
- a. the Texas Grange.
 - b. the Republican Party.
 - c. banking and railway corporations.
 - d. supporters of centralized authority and the weakening of counties.

ANS: A REF: 64 NOT: applied

52. Which of the following provisions is found in the 1876 Constitution and could be characterized as a reaction against Reconstruction?
- a. Requiring a system of voter registration
 - b. Four-year terms for elected officials
 - c. An appointive judiciary
 - d. Reinstatement of white racist segregation in public schools

ANS: D REF: 64 NOT: applied

53. A good description of the 1876 Texas Constitution would be that it is
- a. lengthy, confusing, and badly written.
 - b. brief and tightly organized.
 - c. easily understood by the average citizen.
 - d. so badly written that Texas courts regularly ignore it.

ANS: A REF: 65 NOT: conceptual

54. Because of the prevailing political philosophy among delegates in 1875, the Texas government may exercise
- a. any power it chooses.
 - b. any power not prohibited by the Texas Constitution.
 - c. only those powers specified in the Texas Constitution.
 - d. only those powers defined by the Texas Supreme Court.

ANS: C REF: 65 NOT: conceptual

55. Most constitutional amendments adopted in Texas
- were struck down by the voters.
 - were surrounded by controversy and national attention.
 - were necessary because of the detailed nature of the state's constitution.
 - were not needed in order for the legislature to deal with the specific issues.

ANS: C REF: 65 NOT: applied

56. The governor's role in the constitutional amendment process
- is to initiate the proposed amendment.
 - includes the ability to veto the legislative proposal.
 - is limited to the use of personal influence to sway the outcome.
 - is to sign the final outcome into law.

ANS: C REF: 65 NOT: conceptual

57. The formal amendment process for the Texas state constitution is provided for in
- the Tenth Amendment to the U.S. Constitution.
 - Article XVII of the state constitution.
 - Article IV of the U.S Constitution.
 - the Texas Constitutions' Bill of Rights.

ANS: B REF: 68 NOT: factual

58. Amendments to the Texas constitution are proposed by the
- Texas Legislature.
 - Texas Governor.
 - Texas Secretary of State.
 - Texas Election Commission.

ANS: A REF: 68 | 69 NOT: factual

59. Which of the following is *not* part of the formal amendment process for state constitutional amendments?
- Two-thirds vote of a joint resolution in the state legislature
 - Explanatory statements prepared and published in state newspapers
 - Signature of the Governor
 - Simple majority of the voters who vote in the election

ANS: C REF: 68 | 69 NOT: applied

60. Proposed amendments to the state constitution are ratified by
- the legislature.
 - the governor.
 - Texas voters.
 - county commissioners.

ANS: C REF: 69 NOT: factual

61. Voter turnout for amendments
- may reach 50 percent if there is enough controversy.
 - is always around 40 to 50 percent.
 - is low unless it is for an economic issue.
 - is typically low.

ANS: D

REF: 69

NOT: applied

62. In which of the following years did a majority of Texas voters approve a proposed amendment to authorize the appointment of a constitutional revision commission?
- a. 1952
 - b. 1921
 - c. 2004
 - d. 1972

ANS: D

REF: 71-72

NOT: factual

63. In 1974, the draft constitution prepared by the constitutional revision commission
- a. was passed by the state legislature at the constitutional revision convention.
 - b. fell three votes short of passage at the constitutional convention.
 - c. dissolved state government until a new constitution was written.
 - d. proposed amendment to the U.S. Constitution.

ANS: B

REF: 72

NOT: applied

64. The 1974 Constitutional Convention was hampered chiefly by
- a. the absence of strong political leadership.
 - b. widespread public apathy.
 - c. an uncertain mission.
 - d. lack of sufficient funds.

ANS: A

REF: 72

NOT: conceptual

65. The issue that derailed the 1974 Constitutional Convention was
- a. increased welfare funding.
 - b. the legalization of same-sex civil unions.
 - c. the "right-to-work" provisions.
 - d. repeal of separate property laws for married women.

ANS: C

REF: 72

NOT: applied

66. The constitution submitted by the legislature in April 1975 to the voters was
- a. twice as long as the 1876 Constitution.
 - b. essentially the constitution that had failed by three votes the previous year.
 - c. essentially the 1876 Constitution, though it was better organized and shorter.
 - d. a clearly confusing and unworkable document.

ANS: B

REF: 72 | 73

NOT: applied

67. The special election of 1975 on the proposed Texas Constitution resulted in
- a. overwhelming voter approval for the document.
 - b. a 62 percent turnout of registered voters defeating the proposed constitution.
 - c. defeat of all eight submissions with a low voter-turnout.
 - d. approval of four of the eight submissions and defeat of the other four.

ANS: C

REF: 73

NOT: factual

68. The principal means by which constitutional change has occurred in Texas since 1876 is
- a. judicial interpretation.
 - b. legislative interpretation.
 - c. custom and usage.

d. constitutional amendment.

ANS: D

REF: 81

NOT: conceptual

69. The Texas Bill of Rights

- a. is shorter than that in the federal Constitution.
- b. contains a lower level of protection than does the federal Constitution.
- c. has been deleted from the Texas Constitution because most rights are now federally protected.
- d. contains a provision guaranteeing equal rights to women—something not found in the federal Constitution.

ANS: D

REF: 77

NOT: conceptual

70. Separation of powers

- a. is not found in the Texas Constitution.
- b. means a bicameral legislature.
- c. places the lawmaking, law-enforcing, and law-adjudicating powers in separate branches of government.
- d. has been rejected by American constitutional theory.

ANS: C

REF: 78

NOT: conceptual

71. The “Legislative Department” of Texas government is provided for in

- a. Article I of the state constitution.
- b. Article III of the state constitution.
- c. Article IX of the state constitution.
- d. Article XX of the state constitution.

ANS: B

REF: 78

NOT: factual

72. According to the textbook, the most disorganized segment of the Texas Constitution is that relating to

- a. the Legislature—Article III.
- b. voting—Article VI.
- c. revenue and taxation—Article VIII.
- d. local government—scattered through Articles V, VII, IX, XI, and XVI.

ANS: D

REF: 79

NOT: conceptual

ESSAY

1. Provide an explanation of the state constitution as a source of fundamental law. Discuss the structure and powers of the state government created by the current Texas constitution.

ANS:

Answers may vary.

2. Explain the influences that shaped the Texas Constitution of 1876. Explain the individuals and groups that played a role in drafting the document, and the sentiments held by those individuals and groups that resulted in the specific governmental design set forth in the constitution.

ANS:

Answers may vary.

3. Provide an understanding of the relationship between the national and state governments. Explain which powers are held by the national government, which powers are reserved to the states, and those powers shared by both the national and state governments. Be sure to include an understanding of the national supremacy clause contained in Article VI of the U.S. Constitution.

ANS:

Answers may vary.

4. Explain the concept of incorporation of the national Bill of Rights. Include the role of the Fourteenth Amendment's due process clause. Describe how incorporation of the Bill of Rights changes the federal relationship between the national and state governments.

ANS:

Answers may vary.

5. Discuss the current constitution of Texas. Define its strengths and weaknesses. Why is revision so difficult?

ANS:

Answers may vary.

6. Trace the history of constitutional development in Texas between 1827 and 1845. Describe the historical and political events that led to the creation of the Republic of Texas, and then to the admission of Texas as a state within the United States.

ANS:

Answers may vary.

7. Trace the history of constitutional development in Texas between 1845 and 1876. Be certain to include in your discussion each of the constitutions and the historic events that surrounded writing them.

ANS:

Answers may vary.

8. Trace the constitutional revision effort from 1971–1975. Pay particular attention to why the process failed. In your judgment, does Texas need a new constitution? Why or why not?

ANS:

Answers may vary.

9. What is meant by initiative and referendum? What are its advantages and disadvantages? Do you support or oppose it? Give an illustration of what would be a beneficial/disastrous result if you had your way and Texas adopted/failed to adopt initiative and referendum.

ANS:

Answers may vary.

10. Describe the formal amendment process for the Texas Constitution. Explain how many times the Texas Constitution of 1876 has been amended. Providing a comparison to the national constitution and those of other states, explain why the Texas Constitution has been amended so many times. Provide a few examples of issues for which the state constitution has been amended.

ANS:

Answers may vary.