

Comparing Two Constitutions

Why It Matters Now

Understanding the source and limits of the state's power can help you better understand your role as a Texas citizen.

TERMS & NAMES

U.S. Constitution, Congress, Texas Constitution of 1876, **balanced budget, deficit**

OBJECTIVES

1. Identify how the Texas Constitution and the U.S. Constitution reflect the principle of federalism.
2. Identify how the Texas Constitution reflects the principle of limited government.
3. Identify the influence of ideas from the U.S. Constitution on the Texas Constitution.

MAIN IDEA

The Constitution of the United States and the Texas Constitution share many similarities. They also have important differences due to different attitudes about what the role of government should be.

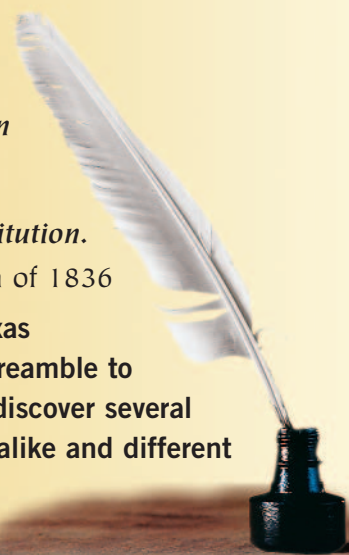
A REAL-LIFE STORY

When the 59 delegates of the Constitutional Convention of 1836 met at Washington-on-the-Brazos, their task was to write guidelines for their state government. After much discussion and debate, they began their document as follows:

We the people of Texas, in order to form a government, establish justice, insure domestic tranquility, provide for the common defense and general welfare, and to secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution.

Preamble to the Texas Constitution of 1836

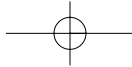
This is the preamble, or introduction, to the Texas Constitution of 1836. Have you ever read the preamble to the U.S. Constitution? In this section, you will discover several ways that the U.S. and Texas Constitutions are alike and different in their interpretations of how a government should operate.



Hand printing press similar to the one used to print the Constitution of 1836

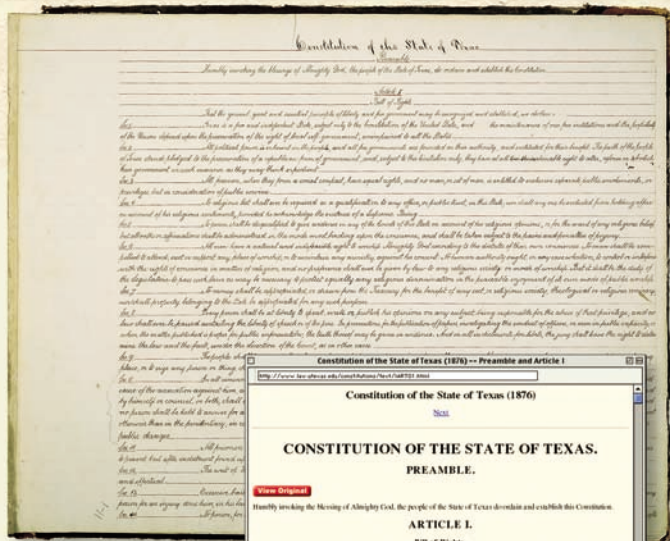
Two Constitutions

Two constitutions control the government of Texas. Under federalism, the Constitution of the United States tells what powers belong to the federal government. It sets out the structure of the federal government and details the limits of power for both the federal and state governments. The Texas Constitution defines the role of our state government and lays out the rights and responsibilities of Texas citizens. The Texas Constitution is the highest law of our state. It is subject only to the Constitution of the United States and federal laws.

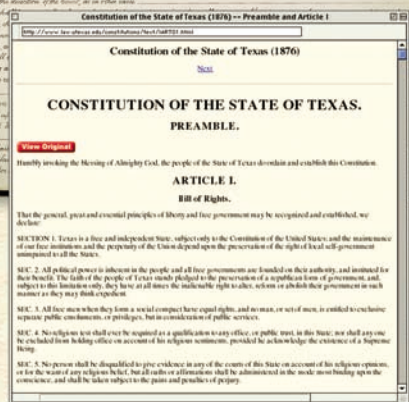


ACCESSING THE TEXAS CONSTITUTION

The original Texas Constitution of 1876 is stored in the Lorenzo de Zavala State Archives in Austin. Article 1, Section 2, of the Texas Constitution states that “All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit. . . .” However, until recently, it was difficult and time-consuming for the people of Texas to locate information in this 76,000-word document. Since the constitution was ratified, it has been amended nearly 400 times, making it one of the longest state constitutions in the nation. Because the document with all of its amendments is so large and unmanageable, it has not been practical for many Texans to use. In recent years, however, Internet technology has made it possible to bring this long document to more Texas citizens. The online version of the Texas Constitution is searchable by subject and keyword, so locating any amendment is easy. ● **Why do you think it is important for Texas citizens to be able to read their state constitution?**



The Texas Constitution document



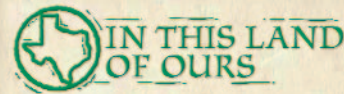
The Texas Constitution online

The U.S. Constitution

The U.S. Constitution was written in 1787. It went into effect on May 4, 1789, when it was ratified by 9 of the 13 original states. By 1791 the Constitution had been ratified by the other four original states, plus Vermont, the newest state. The Constitution was a progressive document. A country had never before placed such limits on government and allowed such broad guarantees of freedom for its people.

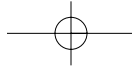
The U.S. Constitution divides the federal government into three branches. These branches are the legislative, executive, and judicial. The legislative branch, or Congress, has two houses, the Senate and the House of Representatives. The executive branch is the president and his or her cabinet and staff. The executive branch also includes the staff of all of the government departments and agencies. The judicial branch is made up of the Supreme Court and the lower federal courts. The Supreme Court’s duty is to interpret the Constitution. The Court decides whether the other two branches of the federal government and the 50 state governments are acting within the rules of the U.S. Constitution.

Besides establishing the powers of the federal government, the U.S. Constitution leaves all powers that are not assigned to the federal government with the states or with the people. These powers, such as the power to hold local elections, allow individual states to deal with their own issues.



REGION

The bill that passed in 1845, which annexed Texas to the United States, contains a unique provision that allows Texas to divide into as many as five different states if it wishes. To keep from having five new slave states, the U.S. Congress decided that slavery would be banned north of latitude 36°30'N. ● **If you were to divide Texas into five parts, where would you make the divisions?**



To Mathematics

Because its language is so exact, the Texas Constitution of 1876 has been amended many times. As a result, it has grown to about 76,000 words in length, making it one of the longest state constitutions in the United States. By contrast, the U.S. Constitution, which the Texas Constitution is based on, is only about 4,500 words long. ● **About how many times longer than the U.S. Constitution is the Texas Constitution?**

▼ Each legislative session reunites Texas senators and representatives with their colleagues from across the state. ● **Do you think it is important for state legislators to stay in contact with each other between sessions? Why or why not?**

The Texas Constitution of 1876

Today Texas operates under the Constitution of 1876. This constitution was drafted to replace the 1869 Reconstruction Constitution, which gave a great deal of power to Reconstruction governor Edmund J. Davis. Many Texans felt that Davis had abused the authority he had been given. Texans' negative view of the Reconstruction governor turned into a negative view of government in general. Over time, many Texans came to feel that "the best government is the least government." The Constitution of 1876 reflected this feeling, severely limiting the power of the state legislature as well as the power of the governor.

Limited Legislative Sessions

One way to limit the legislature was to control how often and how long it could meet. If the legislature was not in session, it could not pass new laws. Therefore, the new constitution stated that the legislature would meet for just one session of 140 days every two years.

The U.S. Constitution places no limits on sessions of Congress. Like the Texas Constitution, it does require that all members of the House of Representatives stand for election every two years. U.S. senators are elected every six years. Texas senators serve four-year terms.

Limiting the legislative session has created huge problems for Texas legislators in the twenty-first century. The state of Texas is home to nearly 21 million people. The state takes in and spends billions of dollars each year. In a government of this size, problems can and do occur at any time. When a problem arises, the legislature has to wait until the next legislative session to address it unless the governor calls a special session. Only the governor has this power. Also, legislators have trouble keeping up with changes in government when they meet only once every two years. Legislators are certainly prevented from passing too many laws, which was the constitution writers' original intent.

Election of State Officers

A major difference between the two Constitutions is that the U.S. president has the right to appoint members of the cabinet, Supreme Court justices, federal judges, and many other officers of the government, subject in some cases to the approval of the Senate. In Texas, most state officers—such as the state comptroller, state land commissioner, and state attorney general—are elected. State and district court judges also are elected rather than appointed. However, the governor may appoint people to unfinished terms in these offices. He or she also appoints citizens to various boards and commissions, subject to the legislature's approval.





Government Expenses

Governments estimate their incomes and expenses in a budget, just as most families and individuals do. The Texas Constitution requires a **balanced budget**. That is, the total amount the government spends must not be more than its income from taxes and other sources.

Because the Texas legislature meets only every other year, each budget must cover two years. This is called a biennial budget. To develop the budget, the governor sends a plan to the legislature. A legislative budget board also proposes a budget. The board is made up of the lieutenant governor, the Speaker of the House, and eight key legislators. Because the budget board includes members of the legislature, the legislators often favor the board's budget over the one proposed by the governor. This allows the governor little power in setting the state budget.

The U.S. Constitution, in contrast, gives budgetary power mainly to the president, who submits a budget every year to Congress. If most members of Congress do not like the president's budget, they will not pass it. In turn, if Congress changes the budget and the president does not like the changes, he or she can veto it. However, Congress and the president must agree on a budget at some point, or the government will run out of money.

Unlike the state of Texas, the U.S. government does not have to balance its budget. This means that the federal government may borrow money to pay for programs if tax income does not cover expenses. The government's debt is known as a **deficit**. Running the government with a deficit requires borrowing money on credit. Texas does not permit this.



Texas star in pink granite in the Capitol extension, completed with state funds in 1993

balanced budget a plan for spending in which expenses equal income

deficit a condition in which expenses are greater than income

SECTION 2 ASSESSMENT

Terms & Names

Identify:

- U.S. Constitution
- Congress
- Texas Constitution of 1876
- balanced budget
- deficit

Organizing Information

Use a chart like the one below to compare the U.S. Constitution with the Texas Constitution.

| | CONSTITUTION | |
|----------------------------|--------------|-------|
| | U.S. | TEXAS |
| Legislative Sessions | | |
| Election of State Officers | | |
| Government Expenses | | |

Using the information in your chart, summarize how these two historical documents are similar and different.

Critical Thinking

1. If the Texas government wanted to change the U.S. Constitution, could the state legally do this? Why or why not? Who would decide whether this act would be legal?
2. Why do you think our current Texas Constitution requires that most state officials be elected rather than appointed by the governor?
3. How is the federal budget process similar to and


different from the budget process in the state of Texas? Create a Venn diagram to compare them.

A Real-Life Story

Reread the section headings of Article 1 of the Texas Constitution. In your Texas Notebook, make a list of the basic statements. Then identify how our state government supports our ability to meet these objectives.

ACTIVITY

Geography

Research the hometowns of current Texas senators and state representatives. Plot them on a county map of Texas. Which areas seem to have the most representation in the legislature? the least? Why? 



Go to www.celebratingtexas.com to research the Activity topic.