

The Rights of Texas Citizens

Why It Matters Now

Learning more about the Texas Constitution helps you know what rights are guaranteed to you as a Texan.

TERMS & NAMES

amendment, Bill of Rights, equal rights, rule by the people

OBJECTIVES

- 1. Identify the influence of ideas from the U.S. Constitution on the Texas Constitution.
- 2. Identify how the Texas Constitution reflects the principle of individual rights.
- **3.** Identify how the Texas Constitution reflects the principle of popular sovereignty.

MAIN IDEA

Texans enjoy the same rights and freedoms as other citizens of the United States. Our freedoms are spelled out in more detail in the Texas Constitution than in the U.S. Constitution.

INTERACT WITH HISTORY

Imagine that you have been chosen to help write a new bill of rights for Texas. Your goal is to include all rights that a government should guarantee to its citizens. In your bill of rights, what rights should be included? What types of guarantees should not be in the bill of rights? Why?

WHAT Would You Do? Write your response to Interact with History in your Texas Notebook.

The Bill of Rights

The first ten amendments to the U.S. Constitution are called the Bill of Rights. Some of the rights in the Bill of Rights are freedom of speech, freedom of the press, freedom of religion, the right of assembly, and the right to bear arms. Other rights are freedom from unlawful search and seizure of property and the right to a quick and fair trial by jury.

The Constitutional Convention that wrote the U.S. Constitution in 1787 did not include a bill of rights. Some citizens feared that the government might take away the rights they had fought so hard to win. Congress changed the Constitution to include the Bill of Rights, protecting individual rights. Then the necessary three-quarters of the states ratified the amendments, making them law.

Our nation's Bill of Rights contains a clause that reserves to the states any powers that the Constitution does not give to the federal government. Many of the powers claimed by the states are granted through this clause.

A Texas Bill of Rights

The authors of the Texas Constitution followed the U.S. Bill of Rights when they drafted their own Bill of Rights. The Texas Bill of Rights became Article 1 of the Texas Constitution. Like the rest of the Texas Constitution, the Bill of Rights is more specific than the U.S. document on which it was based.

Bill of Rights part of the U.S. and Texas Constitutions that establishes individual rights of freedom, press, speech, religion, and assembly

COMPARISON OF U.S. AND TEXAS BILLS OF RIGHTS		
U.S. BILL OF RIGHTS AMENDMENT	TEXAS BILL OF RIGHTS SECTION OF ARTICLE 1	
Freedom of speech, religion, the press, and politics	Freedom and independence Republican form of government	Bills of attainder; retroactive laws; contracts Property for public use; immunities; control of
2. Right to bear arms	3. Equal rights	priviledges and franchises
3. Forced housing of troops in private	3a. Equality under the law	18. Imprisonment for debt
homes	4. Religious tests	19. Depriving of basic rights; due course of law
4. Search and seizure	5. Witnesses and their religious beliefs	20. Outlawry or transportation for offense
5. Rights of the accused	6. Freedom of worship	21. Corruption of blood; forteiture; suicides
6. Right to a speedy, public trial	7. Appropriations for religious purposes	22. Treason
7. Trial by jury in civil cases	8. Freedom of speech and the press; libel	23. Right to keep and bear arms
8. Limits on fines and punishments	9. Searches and seizures	24. Military subordinate to civil authority
9. Rights of the people	10. Rights of the accused	25. Quartering soldiers
10. Powers of the states and people	11. Bail	26. Perpetuities and monopolies
▲ Although the Texas Bill of Rights is	12. Habeas corpus (right to a court hearing)	27. Right of assembly; petitions
based on the U.S. Bill of Rights, it is	13. Limits on bail, fines, and punishments	28. Suspension of laws
much more detailed in its descriptions	14. Double jeopardy (cannot be tried twice)	29. Bill of Rights forever inviolate
of the rights of Texas's citizens. • Why do you think some of the rights and free-	15. Right of trial by jury	30. Rights of crime victims
doms in these two documents are the same?	15a. Commitment of persons of unsound mind	31. Compensation of crime victims



Hortense Sparks Ward

In the early 1900s, lawyer Hortense Sparks Ward of Matagorda County became the first woman to practice law in Texas. She used her knowledge of the legal code to fight for women's rights legislation. In 1918, as president of the Houston Equal Suffrage Association, Ward became the first woman in Harris County to register to vote. About 386,000 more women registered to vote in just over two weeks' time.

How do you think having a woman fighting for women's rights helped the cause?

The U.S. Constitution does not always clearly state the full extent of a citizen's rights or freedoms. The Supreme Court has determined that these guarantees, though not stated, are implied. Often the wording of the U.S. Constitution is fairly general. This fact has created a lot of work for the Supreme Court, which has to decide what the framers of the Constitution really meant. The wording of the Texas Constitution, in contrast, is quite specific in many places. Because of this detailed language, Texans have had to make changes to their constitution hundreds of times.

A Question of Equal Rights

Sometimes the U.S. Constitution has to be changed as well. For example, the U.S. Bill of Rights does not guarantee equal rights for all people. The framers of the U.S. Constitution did not promise such rights because they would have been opposed by people in slave states in 1787.

Since that time, lawmakers have worked to ensure equal rights for all. The Thirteenth, Fourteenth, Fifteenth, and Nineteenth Amendments guaranteed freedom, voting rights, and equal protection under the law to women and minorities. No amendment, however, has outlawed bias on the basis of

gender. An amendment that would have guaranteed equal rights for women was passed by Congress in 1972. However, it was not ratified by three-fourths of the states, as required by law.

Similarly, rights guaranteed in the Texas Constitution first applied only to "free men." In 1971 the document was changed to give rights to all people. Now it states, "Equality under the law shall not be denied or abridged because of sex, race, color, creed, or national origin."

Changing the Constitution

The U.S. Constitution uses very general language to direct the operation of our government. It has been amended only 27 times in more than 200 years. In contrast, the Texas Constitution has been amended nearly 400 times since it was adopted in 1876.

A proposal to change our state constitution must first be presented to the state legislature. Then both houses of the legislature must approve the amendment by at least a two-thirds majority. Finally, the new amendment must be approved by a majority of Texas voters. Changing the constitution over and over again leads to many costly and time-consuming votes. Also, amendments have made the Texas Constitution very long and confusing, even to lawyers and state officials.

TEXAS VOICES

In my opinion, the Constitution is almost impossible to read and grasp a full and understandable meaning. Most attorneys can't follow it closely nor can members of the legislature. Laypersons are left generally without a clue.

John T. Montford, former Texas senator from Lubbock

Why was the Texas Constitution written this way? The men who wrote it wanted the people to decide how government was to be run. They wanted the people to be able to vote on new laws, tax increases, and nearly every other aspect of government. This is the principle of rule by the people. Almost 400 amendments later, Texans have proven that they will continue to use their power to change their government—and their constitution—to serve them better.



A NEW TEXAS CONSTITUTION

Why not solve the problems of the Texas Constitution by writing a new document with more general wording? In 1973 a constitutional revision commission drafted a new constitution. The 63rd legislature met as a Constitutional Convention in 1974 but could not agree on a new document. In 1999 Senator Bill Ratliff and Representative Rob Junell proposed a revision, but it too failed. Until Texans can agree on a rewritten document, the 1876 version will remain in effect.

ASSESSMENT SECTION 3. How did the framers of **Terms & Names Organizing Information** Do you think the Texas legislature generally supports the Texas Constitution **Identify:** Use a flowchart like the or opposes changing the try to ensure that the amendment one shown to list the steps state constitution? Explain. people's will would be Bill of Rights involved in adding an followed in Texas? amendment to the Texas equal rights **Critical Thinking** rule by the state constitution. Interact with History 1. How is the Bill of Rights people Person or group wants to of the Texas Constitution At some point in the future, change the Texas Constitution similar to and different someone will attempt to from the Bill of Rights change your constitution. of the U.S. Constitution? Will you make it difficult 2. How does the Texas or easy to change the constitution? Why? Constitution reflect individual rights? ACTIVITY In a brief essay, describe the importance of free speech and free press in a democratic society such as Citizenship Texas and the United States.