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Name:_____ Class:_____ Date:_____

Chapter 2 - The Constitutional Setting

Multiple Choice

1. What does Article VI of the U.S. Constitution provide for in case of a conflict between the U.S. Constitution and a state constitution?
   a. The U.S. Constitution invariably takes precedence.
   b. The state constitution invariably takes precedence.
   c. The issue involved determines which document takes precedence.
   d. The question of precedence must be settled by the U.S. Congress.
   e. The question of precedence must be settled by the state legislature.

ANSWER: a
REFERENCES: 35
LEARNING OBJECTIVES: TXPO.NEWE.16.2.1 - LO1

2. Which of these would best describe the relationship between state laws and federal laws?
   a. Most states, including Texas, do not have constitutional and statutory provisions that conflict with federal laws.
   b. Most states, including Texas, have constitutional and statutory provisions that conflict with federal laws.
   c. Texas is the only state that has constitutional and statutory provisions that conflict with federal laws.
   d. Texas is the only state that does not have constitutional and statutory provisions that conflict with federal laws.
   e. Every state's laws take precedence over federal law if there is a conflict between them.

ANSWER: b
REFERENCES: 35-38
LEARNING OBJECTIVES: TXPO.NEWE.16.2.1 - LO1

3. The reserved clause can be found in which amendment to the U.S. Constitution?
   a. Sixth
   b. Seventh
   c. Tenth
   d. Ninth
   e. Eighth

ANSWER: c
REFERENCES: 36
LEARNING OBJECTIVES: TXPO.NEWE.16.2.1 - LO1

4. Federalism refers to how power can be divided between _____.
   a. the central government and regional governments
   b. regional governments and local governments
   c. the central government and local governments
   d. the central government and neighboring countries
   e. regional governments and neighboring countries

ANSWER: a
REFERENCES: 36
LEARNING OBJECTIVES: TXPO.NEWE.16.2.1 - LO1

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5. Dual federalism is best likened to which type of cake?
   a. layer cake
   b. marble cake
   c. pound cake
   d. cupcake
   e. picket cake

ANSWER: a
REFERENCES: 36
LEARNING OBJECTIVES: TXPO.NEWE.16.2.1 - LO1

6. Picket fence federalism is considered the closest variant of which type of federalism?
   a. cooperative federalism
   b. dual federalism
   c. regulated federalism
   d. layer cake federalism
   e. coercive federalism

ANSWER: a
REFERENCES: 36
LEARNING OBJECTIVES: TXPO.NEWE.16.2.1 - LO1

7. Which statement best describes cooperative federalism?
   a. There are shared, interactive responsibilities between the national government and the state government.
   b. The states bordering foreign countries can establish trade treaties separately from the national government.
   c. There are two layers of government, the state and the national governments, that serve separate but equally powerful levels of government.
   d. There are separate private and public spheres in American society.
   e. Local governments have the authority to set aside directives from the national government and enforce local laws instead.

ANSWER: a
REFERENCES: 36
LEARNING OBJECTIVES: TXPO.NEWE.16.2.1 - LO1

8. A formal, written change or addition to a state's governing document is known as _____.
   a. a constitutional amendment
   b. a constitutional convention
   c. checks and balances
   d. separation of powers
   e. judicial review

ANSWER: a
REFERENCES: 36
LEARNING OBJECTIVES: TXPO.NEWE.16.2.1 - LO1
TXPO.NEWE.16.2.2 - LO2

9. The provision that powers not explicitly or implicitly granted to the national government are reserved to the states can

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be found in _____ of the U.S. Constitution.

a. the Tenth Amendment
b. the Eighth Amendment
c. the Twelfth Amendment
d. Article I, Section 8
e. Article I, Section 10

ANSWER: a
REFERENCES: 36
LEARNING OBJECTIVES: TXPO.NEWE.16.2.2 - LO2

10. 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

ANSWER: a
REFERENCES: 39
LEARNING OBJECTIVES: TXPO.NEWE.16.2.1 - LO1

11. 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

ANSWER: b
REFERENCES: 39
LEARNING OBJECTIVES: TXPO.NEWE.16.2.2 - LO2

12. Which of these is considered to be the most ambiguous and abstract purpose that a constitution is intended to serve?

a. provide legitimacy
b. organize government
c. provide power
d. limit governmental power
e. expand governmental power

ANSWER: a
REFERENCES: 39
LEARNING OBJECTIVES: TXPO.NEWE.16.2.2 - LO2

13. To accept a government and its constitution as legitimate, what must citizens do?

a. allow government to act in certain ways that are not permitted to private individuals

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b. expect governments not to act arbitrarily
c. follow only the laws with which they agree
d. both allow government to act in certain ways that are not permitted to private individuals and expect governments not to act arbitrarily
e. allow government to act in certain ways that are not permitted to private individuals, expect governments not to act arbitrarily, and follow only the laws with which they agree

ANSWER: d
REFERENCES: 39
LEARNING OBJECTIVES: TXPO.NEWE.16.2.2 - LO2

14. To ensure an organized government, what must a constitution accomplish?
a. Clarify who are the major officials of the government.
b. Determine how major officials of the government are elected.
c. Establish what the relationships are among those charged with governmental functions.
d. Ensure that major officials do not have discretion to determine whether constitutional provisions apply to given situations
e. All of these must be accomplished by a constitution.

ANSWER: e
REFERENCES: 39-41
LEARNING OBJECTIVES: TXPO.NEWE.16.2.2 - LO2

15. 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 these

ANSWER: e
REFERENCES: 39-42
LEARNING OBJECTIVES: TXPO.NEWE.16.2.2 - LO2

16. If the U.S. government were seeking broader powers not clearly specified in the Constitution, under which clause of the U.S. Constitution would such additional authority be granted?
a. necessary and proper
b. supremacy
c. full faith and credit
d. privileges and immunities
e. reserved

ANSWER: a
REFERENCES: 41
LEARNING OBJECTIVES: TXPO.NEWE.16.2.1 - LO1

17. Which of these resulted from the incorporation of the Bill of Rights into the U.S. Constitution?
a. National provisions are applied to state criminal cases.

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b. The U.S. government must allow state laws to reign supreme over national law.
c. Individual state provisions are applied to cases of federal law.
d. The U.S. government must respect the actions of all individual citizens.
e. International treaties are applied to state criminal cases.

ANSWER: a
REFERENCES: 41
LEARNING OBJECTIVES: TXPO.NEWE.16.2.1 - LO1

18. How many constitutions have governed over Texas at some point since the state's independence from Mexico in 1836?
a. six
b. eight
c. four
d. two
e. ten

ANSWER: a
REFERENCES: 42-44
LEARNING OBJECTIVES: TXPO.NEWE.16.2.3-4 - LO3-4

19. 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

ANSWER: d
REFERENCES: 43
LEARNING OBJECTIVES: TXPO.NEWE.16.2.3-4 - LO3-4

20. Which constitution in Texas's history was heavily influenced by Jacksonian democracy?
a. Statehood Constitution
b. Republic of Texas Constitution
c. Reconstruction Constitution
d. Radical Reconstruction Constitution
e. Coahulla y Tejas Constitution

ANSWER: a
REFERENCES: 43
LEARNING OBJECTIVES: TXPO.NEWE.16.2.3-4 - LO3-4

21. Carpetbaggers would have had the most influence in the drafting of which state constitution?
a. Radical Reconstruction Constitution
b. Reconstruction Constitution
c. Civil War Constitution
d. Republic Constitution

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e. Current Constitution

ANSWER: a
REFERENCES: 43
LEARNING OBJECTIVES: TXPO.NEWE.16.2.3-4 - LO3-4

22. After Texas successfully gained independence from Mexico in 1836, which of these delayed admission into statehood in the United States until 1845?

a. slavery
b. Mexico
c. Spain
d. France
e. lack of natural resources

ANSWER: a
REFERENCES: 43
LEARNING OBJECTIVES: TXPO.NEWE.16.2.4 - LO4

23. Which statement about the initial Reconstruction Constitution of 1869 or the Civil War Constitution of 1861 is *not* true?

a. The 1869 constitution provided for improved conditions for African Americans.
b. The succession from the Union was made to be illegal in the 1869 constitution.
c. Slavery was abolished in accordance with the 1869 constitution.
d. Civil War debt to the Confederacy was repudiated under the 1869 constitution.
e. All of these statements are true.

ANSWER: a
REFERENCES: 43-44
LEARNING OBJECTIVES: TXPO.NEWE.16.2.3-4 - LO3-4

24. 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

ANSWER: c
REFERENCES: 44
LEARNING OBJECTIVES: TXPO.NEWE.16.2.2 - LO2
TXPO.NEWE.16.2.3-4 - LO3-4

25. Which of these 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

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e. former slaves

ANSWER: a
REFERENCES: 44
LEARNING OBJECTIVES: TXPO.NEWE.16.2.3-4 - LO3-4
TXPO.NEWE.16.2.4 - LO4

26. E. J. Davis was elected governor of Texas when the state was governed under which constitution?
a. Radical Reconstruction Constitution
b. Coahulla y Tejas Constitution
c. Reconstruction Constitution
d. Republic Constitution
e. Civil War Constitution

ANSWER: a
REFERENCES: 44
LEARNING OBJECTIVES: TXPO.NEWE.16.2.3-4 - LO3-4

27. The ideological philosophy of the Grange is best described as _____.
a. overwhelmingly conservative
b. overwhelmingly liberal
c. supportive of improving conditions for African Americans
d. evenly split between liberals and conservatives
e. overwhelmingly urban

ANSWER: a
REFERENCES: 44
LEARNING OBJECTIVES: TXPO.NEWE.16.2.3-4 - LO3-4

28. Which of these was *not* a provision of the constitution adopted in 1876?
a. setting the salaries of elected officials
b. establishing a state debt ceiling
c. limiting the governor's term to two years
d. holding annual regular legislative sessions
e. limiting the number of executive appointments the governor may make

ANSWER: d
REFERENCES: 44
LEARNING OBJECTIVES: TXPO.NEWE.16.2.4 - LO4

29. By the end of 2013, the Texas Constitution had been amended _____ times.
a. 43
b. 150
c. 220
d. 483
e. 527

ANSWER: d

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REFERENCES: 44
LEARNING OBJECTIVES: TXPO.NEWE.16.2.4 - LO4

30. In what way are the Texas Constitution and the national Constitution similar?
    a. Both empower as well as limit the powers of the government.
    b. Both have clearly specified provisions concerning the powers of the central government.
    c. Both have rarely been amended.
    d. Both have provisions on creating local governments.
    e. All of these are similarities.

ANSWER: a
REFERENCES: 45-46
LEARNING OBJECTIVES: TXPO.NEWE.16.2.2 - LO2

31. Article 1 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

ANSWER: e
REFERENCES: 46
LEARNING OBJECTIVES: TXPO.NEWE.16.2.4 - LO4

32. How are the Texas Constitution and the U.S. Constitution alike?
    a. Both provide for a strong executive branch.
    b. Both have been amended only a few times.
    c. Both divide governmental functions among three branches.
    d. Neither provides for an elected judiciary.
    e. Neither protects against discrimination based on gender.

ANSWER: c
REFERENCES: 47
LEARNING OBJECTIVES: TXPO.NEWE.16.2.4 - LO4

33. What did the framers of the Texas Constitution include to limit the abuse of power by the government?
    a. checks and balances among all government branches
    b. concentration of power in the executive branch
    c. full appointment power in the legislative branch to select state judges
    d. the ability of the state to ignore any federal law that conflicts with state law
    e. improved working conditions among all African Americans living in the state

ANSWER: a
REFERENCES: 47
LEARNING OBJECTIVES: TXPO.NEWE.16.2.2 - LO2
TXPO.NEWE.16.2.3-4 - LO3-4

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TXPO.NEWE.16.2.4 - LO4

34. 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

ANSWER: e
REFERENCES: 47-48
LEARNING OBJECTIVES: TXPO.NEWE.16.2.4 - LO4

35. 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 these

ANSWER: e
REFERENCES: 48-49
LEARNING OBJECTIVES: TXPO.NEWE.16.2.4 - LO4

36. 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

ANSWER: b
REFERENCES: 48-49
LEARNING OBJECTIVES: TXPO.NEWE.16.2.4 - LO4

37. 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

ANSWER: b
REFERENCES: 50
LEARNING OBJECTIVES: TXPO.NEWE.16.2.4 - LO4

38. The Texas Constitution establishes limited-purpose local governments with taxing authority known as _____.

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a. municipalities
b. general-law cities
c. unincorporated townships
d. special districts
e. counties

ANSWER: d
REFERENCES: 50-51
LEARNING OBJECTIVES: TXPO.NEWE.16.2.4 - LO4

39. Amendments to the Texas Constitution are successfully proposed by _____ and are successfully ratified by _____.
a. the Texas legislature; popular vote in Texas
b. the Texas legislature; the Texas governor's signature
c. the Texas governor's signature; popular vote in Texas
d. the Texas governor's signature; the Texas legislature
e. popular vote in Texas; the Texas legislature

ANSWER: a
REFERENCES: 51
LEARNING OBJECTIVES: TXPO.NEWE.16.2.4 - LO4

40. Which statement best describes a difference between the Texas Constitution and the U.S. Constitution?
a. The Texas Constitution is less flexible than the national Constitution.
b. The national Constitution includes more provisions on a weak chief executive.
c. The Texas Constitution is less frequently amended than the national Constitution.
d. The Texas Constitution has a simpler court system than that established in the national Constitution.
e. The national Constitution is much more specific than the Texas Constitution.

ANSWER: a
REFERENCES: 46, 52-54
LEARNING OBJECTIVES: TXPO.NEWE.16.2.2 - LO2
TXPO.NEWE.16.2.4 - LO4

41. To successfully propose an amendment to the Texas Constitution, which of these is required?
a. a two-thirds majority in both the Texas House of Representatives and the Texas Senate
b. a simple majority in both the Texas House of Representatives and the Texas Senate
c. a two-thirds majority in the Texas House of Representatives and a simple majority in the Texas Senate
d. a simple majority in the Texas House of Representatives and a two-thirds majority in the Texas Senate
e. none of these

ANSWER: a
REFERENCES: 51
LEARNING OBJECTIVES: TXPO.NEWE.16.2.4 - LO4
TXPO.NEWE.16.2.5 - LO5

42. Once an amendment proposal has been successfully approved by the Texas legislature, what is required for the amendment to be ratified?

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a. a three-fourths supermajority of voters in a popular election
b. a two-thirds supermajority of voters in a popular election
c. a simple majority of voters in a popular election
d. about one-third of the voters in a popular election
e. nothing, as approval of an amendment in the state legislature automatically means the amendment is also ratified

ANSWER: c
REFERENCES: 51
LEARNING OBJECTIVES: TXPO.NEWE.16.2.5 - LO5

43. Vested state interests prefer which of these over the others?
a. an amendment to the state constitution in their favor
b. a change in the party alignment among the state citizenry
c. a more favorable state legislature
d. a more favorable state governor
e. a change in the political persuasions of the state citizenry

ANSWER: a
REFERENCES: 52
LEARNING OBJECTIVES: TXPO.NEWE.16.2.5 - LO5

44. Which state constitution has been amended the most times in its history?
a. Alabama
b. Texas
c. Florida
d. California
e. Mississippi

ANSWER: a
REFERENCES: 52
LEARNING OBJECTIVES: TXPO.NEWE.16.2.5 - LO5

45. Which of these is *not* an issue generally focused on by those who advocate reform of the Texas Constitution?
a. biennial legislative sessions
b. excessive detail in the constitution
c. the plural executive branch
d. weak county governments
e. reducing the flexibility in how one interprets the constitution

ANSWER: e
REFERENCES: 52-53
LEARNING OBJECTIVES: TXPO.NEWE.16.2.5 - LO5

46. What has resulted from every major effort to revise or replace the Texas Constitution since 1876?
a. substantial reduction of the number of articles in the Texas Constitution
b. more flexibility in lawmakers' ability to interpret laws and provisions written in the Texas Constitution

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c. a collapsing of the more redundant or repetitive amendments in the Texas Constitution into fewer, more encompassing amendments
d. a reduction of the state governor's tenure from an elected four-year term to a two-year term
e. none of these

ANSWER: e
REFERENCES: 52-54
LEARNING OBJECTIVES: TXPO.NEWE.16.2.5 - LO5

47. Since 1875, the only time Texans had an opportunity to vote on a new constitution was in _____.
a. 1932
b. 1954
c. 1969
d. 1975
e. 1984

ANSWER: d
REFERENCES: 53
LEARNING OBJECTIVES: TXPO.NEWE.16.2.5 - LO5

48. Advocates who want to reform the Texas Constitution support which of these?
a. biennial legislative sessions
b. more layers in Texas's judicial branch
c. a more centralized executive branch
d. less power for counties to pass ordinances
e. all of these

ANSWER: c
REFERENCES: 53
LEARNING OBJECTIVES: TXPO.NEWE.16.2.5 - LO5

49. 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 these

ANSWER: b
REFERENCES: 54
LEARNING OBJECTIVES: TXPO.NEWE.16.2.5 - LO5

50. Which of these strategies are used by groups to embed their particular policy concerns in the state 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.

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e. All of these strategies are used by such groups.

ANSWER: e
REFERENCES: 54-58
LEARNING OBJECTIVES: TXPO.NEWE.16.2.4 - LO4
TXPO.NEWE.16.2.5 - LO5

Subjective Short Answer

51. How is picket fence federalism different from cooperative federalism?
ANSWER: Students' answers will vary.
REFERENCES: 36
LEARNING OBJECTIVES: TXPO.NEWE.16.2.1 - LO1

52. In what way does the Tenth Amendment to the U.S. Constitution "reserve" power to the states?
ANSWER: Students' answers will vary.
REFERENCES: 41
LEARNING OBJECTIVES: TXPO.NEWE.16.2.2 - LO2

53. Why was the admission of the Republic into the Union delayed for nearly a decade after independence from Mexico was gained in 1836?
ANSWER: Students' answers will vary.
REFERENCES: 42-44
LEARNING OBJECTIVES: TXPO.NEWE.16.2.3 - LO3
TXPO.NEWE.16.2.4 - LO4

54. How are cities that have home-rule distinction different from cities that do not have home-rule distinction?
ANSWER: Students' answers will vary.
REFERENCES: 50-51
LEARNING OBJECTIVES: TXPO.NEWE.16.2.4 - LO4

55. Why are state constitutions amended more frequently than the U.S. Constitution?
ANSWER: Students' answers will vary.
REFERENCES: 52
LEARNING OBJECTIVES: TXPO.NEWE.16.2.5 - LO5

Essay

56. In practice, how has federalism changed over time? Have these changes affected federal-state and federal-state-local relationships? Explain.
ANSWER: Students' answers will vary.
REFERENCES: 36-38
LEARNING OBJECTIVES: TXPO.NEWE.16.2.1 - LO1

57. 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.
ANSWER: Students' answers will vary.

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REFERENCES: 39-42
LEARNING OBJECTIVES: TXPO.NEWE.16.2.2 - LO2

58. 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?
ANSWER: Students' answers will vary.
REFERENCES: 42-44
LEARNING OBJECTIVES: TXPO.NEWE.16.2.3 - LO3
TXPO.NEWE.16.2.4 - LO4

59. 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?
ANSWER: Students' answers will vary.
REFERENCES: 42-50
LEARNING OBJECTIVES: TXPO.NEWE.16.2.4 - LO4

60. 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?
ANSWER: Students' answers will vary.
REFERENCES: 56-58
LEARNING OBJECTIVES: TXPO.NEWE.16.2.5 - LO5

61. **Cross-Chapter Essay Question (Chapters 2, 6, and 7):** Explain how reforming the Texas Constitution would improve the functioning of the Texas executive and legislative branches.
ANSWER: Students' answers will vary.
LEARNING OBJECTIVES: TXPO.NEWE.16.2.2 - LO2
TXPO.NEWE.16.2.3 - LO3
TXPO.NEWE.16.2.4 - LO4
TXPO.NEWE.16.2.5 - LO5
TXPO.NEWE.16.6.2 - LO2
TXPO.NEWE.16.7.5 - LO5

62. **Cross-Chapter Essay Question (Chapters 1 and 2):** In what ways does the Texas Constitution reflect the state's individualistic-traditionalistic political culture?
ANSWER: Students' answers will vary.
LEARNING OBJECTIVES: TXPO.NEWE.16.1.4 - LO4
TXPO.NEWE.16.2.4 - LO4
TXPO.NEWE.16.2.5 - LO5

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