

# 1

## INTRODUCTION

### LEARNING OBJECTIVES

- 1.1 Define key concepts in the study of Texas, including politics, government, and democracy.
- 1.2 Describe how the state's geography and demographics shape its politics.
- 1.3 Discuss the role of tradition and legend in Texas politics.
- 1.4 Describe the political developments that accompanied Texas's move from a country to a state.
- 1.5 Describe the political culture of Texas and its impact on Texas government.
- 1.6 Discuss how the population of Texas has changed and continues to change.
- 1.7 Discuss how Texas's identity is shaped by immigration and migration.

Texas is a state of contradictions. Those contradictions include the impact of geography in enhancing an urban versus rural divide. That statement should not come as a surprise to anyone who travels across Texas. The size of Texas evokes a sense that Texas remains largely rural with large areas of the state lacking population, with major cities far, far apart. Consider the drive from Dallas to Houston in which you pass from shiny, high-rise office buildings in downtown through urban areas with signs on businesses in a multitude of languages then into suburban sprawl, with new home construction and gleaming retail spaces. Yet your nearly four-hour journey, assuming there is no commuter traffic, will largely be spent crossing open lands with few towns. The almost eight-hour drive from El Paso to San Antonio takes you largely through a vast, unpopulated territory with a smattering of small towns. However, the open space is deceptive because Texas's population is quite concentrated, with over 80 percent of Texans living in its major metropolitan areas, including four of the largest in the United States: Houston, Dallas–Fort Worth, San Antonio, and Austin.<sup>1</sup> Although Texans are overwhelmingly concentrated in its major metropolitan areas, Texas's rural population, in raw numbers, is the largest among the fifty U.S. states.

This urban-rural divide remains important for understanding Texas's politics today. For example, recent debates over school choice, specifically whether the state should provide payments directly to parents to help pay for private school education, exposes the divide between rural and urban Texas. Supporters of such payments, called vouchers, suggest that parents should have the right to send their children to the school that the parents choose, including private schools.<sup>2</sup> In addition, supporters suggest that vouchers are important to offer students in

low and underperforming schools another option and to escape perceived bias of public schools against conservative or religious values.<sup>3</sup> The issue may be important to urban and suburban voters in major metro areas such as Dallas-Fort Worth as well as smaller metro areas such as Tyler, San Marcos, or Corpus Christi, but in rural Texas, private schools are few and far between, especially private high schools. Local public schools are commonly the largest employer in a small town and serve as a point of community pride and community bonding.<sup>4</sup> Rural communities and public school leaders fear the impact on local public school funding, which is based in part on the number of students enrolled in the local public schools.<sup>5</sup> While powerful political figures in Texas such as Governor Greg Abbott and Lieutenant Governor Dan Patrick support vouchers for private schools or similar programs, opposition came not just from Democrats in the state legislature, public school advocates, and public school teachers but also from rural Republican members of the Texas legislature. Ultimately, these Republicans became targets in the 2024 primary elections by the governor and his allies.

The school-choice debate exposes the divide between rural Texas and urban Texas; between wealthier parts of the state, where private schools are more common; and poorer areas of the state, where such schools are more rare. This divide also illustrates the ongoing patterns of Texas politics. Traditions of localism, pride in local public schools, and community unity versus urbanization with its change and transformation as populations grow and expand are part of this debate over school choice as well. Also, the issue has exposed the divides within the Texas Republican party, as it grapples with almost three decades of domination over the state's government—a party driven by the differences between representing rural, urban, and suburban parts of the state. Moreover, attempts to frame the school-choice issue in terms of parental choice evoke themes of individual and freedom that resonate with many Texans' own sense of independence and do-it-yourself mentality.

In this chapter, we will chart the contours of Texas. We will start by looking at Texas history and geography, casting an eye toward the traditions and transformations that have shaped

the state's politics. This includes the clash between rural and urban areas of the state and the impact of demographic changes, as well as Texas's unique relationship with history as reflected in its legends and myths, including popular culture images such as those from Six Flags of Texas's past rides like La Salle's River Boat Adventure and Conquistadores Mule Pack Coronado Trek.<sup>6</sup> We explore the contours of Texas history as a state of immigration and migration, including concerns—real or imagined—of the impact of immigration as well as the influx of New Yorkers, Michiganders, Louisianians, and Californians on Texas. This concern is most visible in recent billboards and bumper stickers that proclaim, "Don't California my Texas." As we examine some of the legends behind Texas politics, we highlight the differences between Texas and other states, including another one-time independent U.S. state, Vermont. We will conclude the chapter by focusing on the state of Texas today—its people, economy, and culture.



While proponents of private school vouchers focus on the ability to give parents a choice in the type of school their children attend, supporters of public schools, especially in rural areas like Lorenzo, Texas, near Lubbock worry about whether such vouchers will ultimately take money away from school districts like Lorenzo ISD.

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## DEFINING TEXAS: KEY IDEAS

- 1.1** Define key concepts in the study of Texas, including politics, government, and democracy.

To understand Texas's politics and government, we begin with defining Texas. What Texas is—its current political landscape—rests upon a number of factors, including geography, history, and culture. To define Texas requires the student of Texas politics and government to embrace two seemingly contradictory themes of this textbook: tradition and transition. These two ideas sit at the heart of many of our political discussions today, shaping our elections, campaigns, political parties, and institutions of government. The balance between tradition and transformation also influences public policies from education to transportation to environment to social policy.

Yet in defining Texas, we should define key concepts related to the study of Texas politics and government. Definitions are important because they form the basic level of knowledge and comprehension of what we learn. Without definitions, we lack a foundation to build the rest of our exploration of Texas. So what comes to your mind when you hear the word “politics”? Maybe you think of the U.S. president, U.S. Congress, or Texas governor. Perhaps concepts like elections, voting, and campaigns come to mind. You might think about debates, arguments, and disagreements or even corruption. **Politics** may be defined as “who gets what, when, and how.”<sup>7</sup> This definition, one of the oldest and best known in political science, sums up all of the ideas that were listed: Texas governors want to get things done, elections are processes to get things done, and public policies concerning education or environment are the “what” and “how” of politics as well.

While *politics* and *government* are often considered synonymous, they are distinctly different terms in political science. **Government** refers to a system or organization for exercising authority over a people.<sup>8</sup> This definition contains three important parts. A government is a system or organization, like a biological system such as the skeletal system or circulatory system, implying that it is distinct but not separate from the rest of the body. Government is distinct but not separate from the economic, historical, social, and other forces in its wider environment. Like a biological system, government contains organs, which are called institutions, such as legislatures, government agencies, executives, and courts. Authority refers to the exercise of power that is considered legitimate;<sup>9</sup> in the case of government, that authority comes from the people through a constitution. Finally, the people are part of the definition, but which people? For Texas, that includes residents of Texas, visitors to our state, immigrants, and anyone within the borders of Texas. Thus, the system or organization limits us to Texas institutions like the Texas governor or lieutenant governor, the Texas House of Representatives, the Texas Senate, the Texas Supreme Court, Texas's department of transportation, department of criminal justice, and the like rather than the U.S. president, Congress, or other national government organs.

One last important definition is **democracy**, or a government that vests power in the people.<sup>10</sup> While this definition may seem simple, historically in Texas and the United States, democracy meant liberal democracy. A liberal democracy assumes that the people are the source of government's power and authority. However, people are assumed to be flawed by nature and, therefore, desire to seek power at the expense of others. Thus, government exists to protect

fundamental rights of the people while limiting the ability of the majority to take away the rights of others. People engage in politics, then, mostly out of necessity to prevent government from taking away their rights. Since most people would prefer not to engage in politics regularly, and constantly asking people to engage in lawmaking is not always practical, liberal democracy often relies on representative democracy. In a representative democracy, people elect individuals to speak on their behalf and engage in political decision for them. An alternative is populist democracy. In a populist democracy, the people are assumed to be good by nature; therefore, those things that the people create are also good. Government, created by the people, is primarily tasked with making people's lives better by delivering laws and policies that help them live a more complete life. Therefore, people will want to participate in politics, including voting and direct democracy.

## DEFINING TEXAS: GEOGRAPHY

**1.2** Describe how the state's geography and demographics shape its politics.

With a land area totaling 261,232 square miles, Texas is the second largest of the U.S. states, about 40 percent smaller than Alaska.

Texas's size encourages more than bragging rights. V. O. Key, a native Texan and one of the founders of modern political science, pointed out that the geographic size of the state has limited the face-to-face interactions necessary for close-knit political organizations. While this helped inoculate Texas from the large party machines that corrupted politics in many other states during the nineteenth century, it has also inhibited the formation of beneficial groups that would bring together more benevolent forces from across the state.

The state's size makes campaigning expensive for candidates trying to win votes statewide and has left the state's politicians more dependent on those capable of financing a statewide campaign. The sheer size of the state has also rewarded a dramatic style, where, according to Key, "attention-getting antics substituted for organized politics."<sup>11</sup> In the absence of close-knit state political networks and given Texans' fondness for independence, the path to power for the political outsider may be a little bit easier. The ability to quickly grab the imagination of voters has given Texas politics a colorful cast of characters rivaled by few other places. Texas's political candidates are often larger than life, and while change has been a constant in Texas politics, subtlety is often lacking. These colorful characters make for good storytelling, but they do not always make for good government. As former lieutenant governor Ben Barnes once mused as he looked out at the Texas Senate, "There were more eccentric, unpredictable, and flat crazy characters than you'd find in any novel."<sup>12</sup>

Size has contributed to the state's mentality in other ways. With its seemingly endless frontier, Texas represents limitless potential to many. At the same time, its spaciousness offers an escape that reinforces Texans' sense of independence and freedom. With Texans dispersed across such an extensive landscape, history and legends become even more important as a shared culture. The vast geographic distances and the differences in human geography leave many wondering exactly what it is that binds so tightly all these people from all these places and makes them into such fiercely loyal Texans. The answer, of course, is Texas's unique history. As John Steinbeck noted, "There is no physical or geographical unity in Texas. Its unity lies in the mind."<sup>13</sup>

## DEFINING TEXAS: HISTORY

### 1.3 Discuss the role of tradition and legend in Texas politics.

The first wave of change began about 12,000 years ago when humans who had wandered into North America some 20,000 years ago eventually found their way into Texas. By the time Indigenous people were “discovered” by European explorers about 500 years ago, they were diverse and well established. Much of their history was lost to the rising water levels that would bring the Gulf of Mexico’s coastline to its current location about 3,000 years ago. About 1,500 years ago, the Caddo people developed agricultural tools and practices that gave them a more stable food supply, which meant less emphasis on gathering and more time to form a society with social classes and to establish trading relations with other peoples. By 1500 CE, an estimated 200,000 Caddos inhabited a society that was extensive enough to lead some historians to call the Caddos the “Romans of Texas.”<sup>14</sup> They lived in communities with governing officials that included subchiefs, tribal chiefs, and the Grand Caddi, the great chief of all the Caddos.

Along the Gulf Coast, the Karankawa people relied on fish and shellfish for much of their diet. Dubbed cannibals by some, the Karankawas ate only their enemies and were in fact so shocked to learn that the Spanish survivors of the Narváez expedition had cannibalized each other that some Karankawas expressed regret at not having killed the Spanish explorers when they first came ashore.<sup>15</sup> Coahuiltecan groups roamed the area southwest of the Karankawas, surviving on a diverse diet of whatever they could gather or catch. Because subsistence needs forced them to move about the prairies, these small hunter-gatherer bands lacked the cohesive society that developed among nations such as the Caddos. The Apaches, who inhabited areas of what would become the Texas Panhandle, lived in large, extended families in a peaceful and well-ordered society.

Christopher Columbus’s first voyage brought great change to the Texas region as the Spanish Empire in America began to take root in the Caribbean, Central America, and the Southwest. As would many others after them, the conquistadores Álvaro Núñez Cabeza de Vaca and Hernán Cortés visited the region seeking wealth. The horses they brought changed Native American society by giving some nations the means to move their camps more quickly and become more effective hunters and warriors. While the Spanish brought horses to Texas, they also systematically set out to erase all traces of Aztec and other cultures rooted in modern Mexico.

The French, led by René-Robert Cavelier, Sieur de La Salle, managed only a brief presence in Texas. La Salle’s venture into Texas failed, and La Salle himself was killed in an ambush. However, La Salle’s incursions spurred the Spanish to increase their settlement of East Texas to counter any future French arrivals.

Although relative newcomers themselves, the Spanish, like the Native American nations before them, were suspicious of the motives of new arrivals and sought to bar outsiders; they attempted to strengthen their hold on the region by encouraging their own people to establish or expand settlements in the area. Over the course of the eighteenth century, the Spanish gradually established themselves in Texas through a system of missions and presidios (forts). The missions were designed to bring Native Americans closer to their god while pushing the French away from the area. Native Americans in the region showed little interest in converting

to Catholic Christianity, however, and the Spanish had to supplement their religious outposts with presidios. Given the high costs of maintaining these forts, Spanish investments in the area ultimately proved inadequate, and by the 1790s, there were fewer than 3,200 Spanish-speaking people in Texas.

Building a border wall to keep American immigrants out of Spanish territory was out of the question, but Spanish officials declared in 1795 that local officials should take “the utmost care to prevent the passage to this kingdom of persons from the United States of America.”<sup>16</sup> In one of the first recorded verbal assaults on immigrants, one Spanish official colorfully warned that the American immigrants “are not and will not be anything but crows to pick out our eyes.”<sup>17</sup>

Despite the efforts of Spanish officials, the tides of change proved too strong to resist, and eventually, the Spanish government resorted to giving citizens of the United States land grants to settle in Louisiana (before that territory was acquired by France in 1800). While recruiting Anglo settlers from the United States to serve as a buffer against intrusion by the U.S. government seems self-defeating, the Spanish government had little choice. Many in Spain realized that closing off Texas was futile. Spanish officials hoped that by abandoning Florida and negotiating the Adams-Onís Treaty of 1819, which established clear boundaries between Spanish and U.S. claims, American interest would be diverted away from Texas long enough for Spain to build a stronger presence there.



The Alamo, the most famous historic site in Texas, was originally part of the network of missions that the Spanish hoped would establish their presence in Texas.

DC Productions

The roots of the organized Anglo settlement of Texas in the early nineteenth century can be traced to the last years of Spanish rule in Texas. A Missouri resident, Moses Austin, visited Texas in 1820 in hopes of winning the legal right to form colonies in the area. Unfortunately, the return trip took its toll on Austin after his horses were stolen, and he died soon after returning

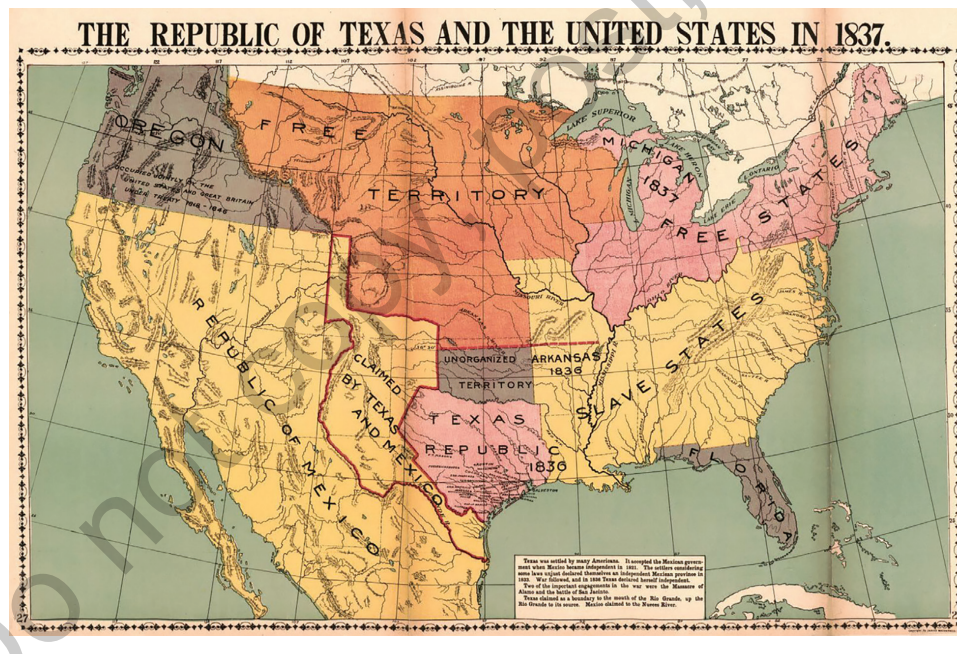
to Missouri, though not before expressing the hope that his son Stephen would carry on the endeavor. In fact, Stephen F. Austin initially had little interest in serving as an **empresario** (an entrepreneur who made money colonizing areas), and Texas was initially a somewhat unwanted inheritance. However, Austin, a canny businessman, came to see the potential of the land and ultimately warmed to his task.

## Mexican Independence

A round of change began on September 16 (still celebrated by many Tejanos—Texans of Mexican origin—as *Diez y Seis de Septiembre*) when Father Miguel Hidalgo y Costilla launched the Mexican War of Independence against Spain through his revolutionary “Call of Hidalgo” (also known as the “Grito de Dolores”), which demanded that those born in the New World be endowed with the same rights as those born in Europe. Mexican independence ended Spanish control of Texas, but it did not end the desire of local authorities to stop the growing trickle of immigrants from the United States. The fledgling Mexican government eventually approved Austin’s colonization plan in the hope that legal settlers brought by authorized empresarios like Austin would become loyal to the Mexican government rather than their U.S. roots.

### MAP 1.1 ■ Independent Texas

A map of the United States with the Republic of Texas in 1837



Library of Congress, Geography and Map Division

By 1824, Austin had assembled the 300 families allowed under his initial contract and had begun to settle in Texas. While these colonists suffered more than their share of hardships, Austin’s colonies prospered so much that he received four additional contracts to bring settlers to the area over the next seven years. In what would become a familiar problem in Texas, the

same opportunities that drew legal settlers and other empresarios to the colonies of Austin also drew illegal immigrants unwilling to deal with the encumbrance of law. Soon Austin and other empresarios found themselves laboring to protect their legal colonies from a flood of illegal squatters.

By the 1830s, there were about 10,000 Anglo settlers in Texas. Some came to Texas hoping to make money quickly in land speculation, but most were subsistence farmers looking for a chance to own land and control their own destiny. Some were fleeing financial ruin brought on by the Panic of 1819; others came to Texas to escape legal problems in American states. Tensions between the Anglos and the Mexican government developed as a result of differences in political culture and the Mexican government's insistence on Spanish as the official language. In addition, many Anglo settlers were Protestants who resented the Mexican government's requirement that they become Catholics. Finally, some wanted to use their land to produce cotton, a cash crop that allegedly depended heavily on the labor of the approximately 1,000 enslaved persons they brought with them. This, too, created conflict, as the Mexican government was opposed to slavery. In fact, many wealthy southern plantation owners did not move to Texas for fear that Mexico would enforce its prohibition on slavery.

### The Texas Revolution

The tension between the Mexican government and the Anglo settlers eventually turned into that most dramatic political transformation: revolution. Initially, Anglo settlers were divided on the issues of revolution and independence. Stephen F. Austin and many of the established settlers advocated a moderate course, asking for separate statehood with Mexico. The Mexico Constitution required that Texas have a population of 80,000 before becoming a state, a number far greater than the 30,000 inhabiting the area at the time. During the early 1830s, the Mexican government granted some of the Anglos' other requests: the right to trial by jury and the official use of the English language. Despite these concessions, many Anglos remained unhappy and began to openly defy the Mexican government. When Texans in Gonzales fired on Mexican troops who came to take away the cannon the town used for its defense, the Texas Revolution began.

Tejanos were in a difficult position. In the 1820s, about 4,000 Tejanos inhabited the region, including many former soldiers who had been stationed in the area and remained after leaving military service. Many had become community leaders and owned large ranches. While Anglo settlers were unhappy about life under the Mexican government, Tejanos were uneasy about the possibility of living under the rule of Anglo settlers, many of whom considered Mexicans and their culture inferior. At the same time, Tejanos shared the concerns of Anglo settlers who did not want a central government in Mexico City controlling their fate and hampering their economic development.

The politics of the independence movement was often chaotic. When Mexican president Antonio López de Santa Anna became less tolerant toward the Texans' aspirations and sent troops to enforce his laws, Texans began to mobilize politically, calling for a meeting to organize their response. They called the meeting the "Consultation" of the people of Texas to avoid the label "convention," which implied the authority to rewrite the constitution. The Consultation assembled on November 1, 1835, and on November 13 passed the Organic Law, creating a de facto government with a governor, lieutenant governor, and the General Council, which comprised representatives from each geographic district. Henry Smith, the leader of the more radical group favoring immediate independence, was elected governor by a 30 to 22 vote



of the convention, beating out Stephen F. Austin, who clung to a more moderate course. Perhaps Texans should have worried more about their choice. Smith had been married to—and quickly widowed by—two sisters in succession, only to marry a third sister, the twin of his second wife. Smith’s political relationships died even more quickly than his romantic relationships. Smith resisted compromise and suspended the General Council. Meanwhile, the council impeached him after less than four months in office. The effect of all this was a paralyzed government.

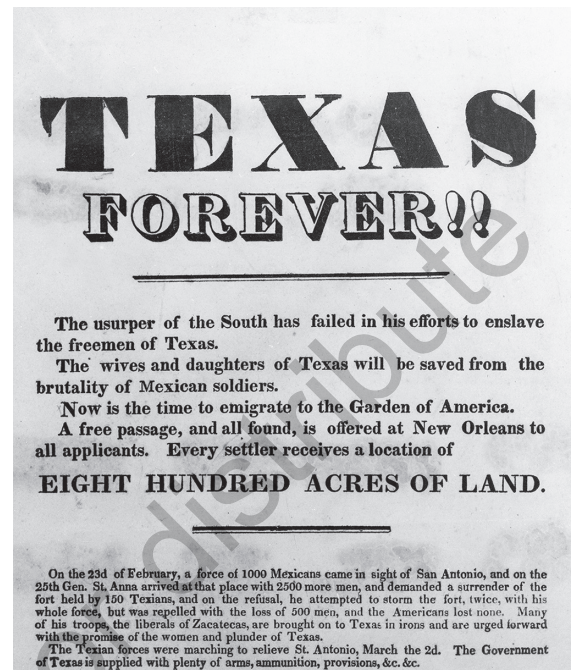
The revolution was further hamstrung when the council created a regular army under the command of Sam Houston without formally bringing the volunteers already in the field under Houston’s command. The volunteers were notorious for their autonomy and lack of discipline, as Austin would find out on November 23 when he ordered them to attack Mexican troops in Bexar, only to have his order refused.

Voters on February 1, 1836, elected representatives to serve as delegates to a new convention that began deliberations on March 1. Shunning most of the more cautious men who had served in the earlier Consultation and in the General Council, Texans chose younger men, many of whom were newcomers—nearly half of the fifty-nine delegates had lived in Texas less than two years. They met in the town of Washington (on the Brazos River) in part because local business owners provided a building without charge. There, the delegates adopted, without debate, a declaration of independence drafted by George C. Childress, who had been in Texas for less than eight months. The convention continued meeting until it completed the Constitution of the Republic of Texas on March 17. The constitution protected slavery and permitted a formerly enslaved person to live in Texas only with the permission of the Texas Legislature. A government ad interim, made up of the members of the constitutional convention, was empowered to run the affairs of the state. One of the first orders of business was the election of David G. Burnet as Texas’s first president. For vice president, the convention selected Lorenzo de Zavala, who had served as Mexican minister to France under Santa Anna but left his post when Santa Anna claimed dictatorial powers in 1835. While united by their struggle against the Mexican government, the revolutionary leaders of Texas often fought among themselves even after independence was won.

### The Republic of Texas

On September 5, 1836, Sam Houston was elected president of the Republic of Texas by a landslide, receiving 5,119 votes compared to 743 for Henry Smith and only 586 for Stephen F. Austin. The Constitution of the Republic of Texas also won approval from voters, as did a referendum on pursuing annexation to the United States. With over 3,000 citizens voting to seek annexation and fewer than 100 objecting, Texas’s interest in joining the United States was clear from its first day of independence.

While the period of Texas independence was relatively brief, it was a period of transformation. The population of Texas doubled. Just after the revolution in 1836, Texas had about 30,000



An 1836 flyer offers free transportation and land to new settlers in hopes of reinforcing the Anglo presence in Texas.

The Granger Collection, New York

Anglos, 5,000 Black enslaved persons, 3,470 Tejanos, and 14,500 Native Americans. By 1847, its “white” population (including 12,000–14,000 persons of Mexican descent) had soared to 102,961, and its Black population had climbed to 39,048 (38,753 enslaved persons and 295 freed Black people).<sup>18</sup>

Change was not limited to population. While the republic’s second president, Mirabeau B. Lamar, helped develop the Texas education system, his administration proved disastrous for the Native American nations living in Texas. Houston had worked to build friendships with Texas’s Indigenous peoples, but Lamar sought to eradicate them. During the three years of the Lamar administration, the Republic of Texas’s debt skyrocketed from \$2 million to \$7 million, and the value of its currency plummeted. Lamar opposed annexation by the United States at a time when the United States was expressing doubts of its own. Sam Houston returned to the presidency only after a bruising political battle. Once back in office, Houston helped make peace with the Native Americans and brought fiscal discipline back to government, spending one-tenth of what Lamar had spent.

The path to statehood would not be as simple as Houston hoped. In the United States, northern interests in the U.S. Congress, led by John Quincy Adams, balked at bringing another slave state into the nation. Houston managed to stir U.S. interest by making overtures to European powers—a course of action designed to pique the jealousy of the United States and make it wary of foreign intervention along its borders. As threats from Mexico continued into the 1840s, Texas turned to England and France for help in obtaining the release of Texas soldiers imprisoned in Mexican jails. Houston also positioned Texas for future bargaining by claiming for the republic disputed land reaching west and north as far as Wyoming, including portions of the Santa Fe Trail used for trade between the United States and Mexico. The Texas Congress went even further and passed (over Houston’s veto) a bill that claimed all the land south of the forty-second parallel and west of Texas to the Pacific, as well as portions of Mexico—a claim that would have made Texas larger than the United States at the time.

## TEXAS STATEHOOD

**1.4** Describe the political developments that accompanied Texas’s move from a country to a state.

The issue of the annexation of Texas eventually became central to the 1844 U.S. presidential election when James K. Polk campaigned for the acquisition of Texas. Texas’s expansive claim to territory was resolved when Henry Clay crafted a compromise whereby Texas accepted its present borders in return for a payment of \$10 million. While the joint resolution inviting Texas to join the United States passed the U.S. House easily, it barely squeaked through the Senate, 27 to 25. John Quincy Adams and Texas’s opponents made one final, last-ditch effort to stop Texas statehood by asserting that the admission of Texas through a joint resolution was unconstitutional because that method of admission was not spelled out in the U.S. Constitution.

Texas called a convention for July 4, 1845, to approve annexation and draft a constitution to accommodate Texas’s new role as a U.S. state. The only vote in the Texas Legislature against entering the United States came from Richard Bache, who allegedly voted against annexation because he had come to Texas to escape his ex-wife and did not care to live in the same country with her again.<sup>19</sup> Texas was able to retain ownership of its public lands yet was required

to keep its debt. The U.S. Congress accepted the state's new constitution in December, and President James K. Polk signed the bill on December 29, 1845. Texas formally entered statehood on February 19, 1846.

A telling part of the residual folklore of Texas's admission is the notion that Texas retains the right to secede—and if it so chooses, to reenter the United States as five separate states. The origins of this idea come from a compromise designed to overcome objections in the U.S. Congress to the original admission of Texas. The joint resolution that admitted Texas to the Union provided that Texas could be divided into as many as five states, but only with approval of the U.S. Congress.

J. Pinckney Henderson earned the honor of serving as Texas's first governor after winning the election by a large margin. Texas sent Sam Houston and Thomas Jefferson Rusk to serve as the state's first two U.S. senators. Texas's only Jewish member of Congress for 130 years was among its first: David Kaufman of Nacogdoches, a Philadelphia-born Jew who had worked as a lawyer in Mississippi before arriving in Texas, who became known for military campaigns against the Cherokee and then for serving two terms as the Speaker of the Republic of Texas's legislature. Kaufman was only the second Jewish member of the U.S. House, taking office the year after Lewis C. Levin became the nation's first Jewish representative in 1845. Passed over in the selection of Texas's first congressional delegation was Anson Jones, who had been sworn in as president of Texas on December 9, 1844. Jones was embittered by this perceived slight and set about putting together his own volume of the history of the republic, published posthumously a year after Jones shot himself on the steps of the old capitol in Houston.

Americans who had resisted the admission of Texas for fear of provoking war with Mexico soon saw those fears realized when fighting broke out in 1846. The Mexican–American War ended after troops under the command of U.S. general Winfield Scott moved into Mexico City. The **Treaty of Guadalupe Hidalgo** was signed on February 2, 1848, recognizing the Rio Grande as the official boundary between Texas and Mexico. While the treaty offered assurances that the rights of erstwhile Mexican citizens who suddenly found themselves citizens of the United States would be protected, this promise proved fragile.

The rapid population growth following Texas's annexation further transformed the state. However, not every group grew at an equal rate. Despite the general population surge, the Tejano population declined, and by the 1847 census, the 8,000 Germans in Texas were one of the largest ethnic minorities in a state with a total population of around 142,000. The population also included 40,000 enslaved persons and only 295 free people of color. Even though Tejanos had fought for independence, many were forced to move to Mexico as the clash of Mexican and Anglo cultures intensified, marking one of just a few times in its history that Texas saw people moving away.

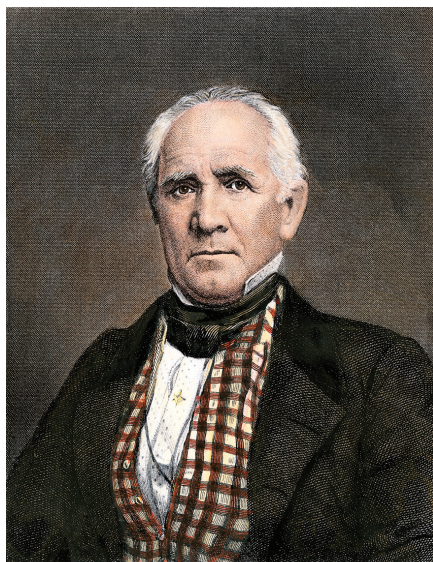
### Texas in the Confederacy

The rise of cotton farming in Texas increased the importance of slavery to the Texas economy, and by 1860, Texas held 182,566 enslaved persons, compared to a total population of 604,215.<sup>20</sup> While much of Texas was becoming dependent on legalized slavery, Sam Houston battled slavery and in 1855 became one of the few southern members of Congress to publicly oppose it. Once again, Houston's personal popularity was undone by an unpopular stance on the burning issue of the day. In 1857, two years before his term expired, the Texas Legislature voted to not return Houston to the Senate for another term, leaving Houston to serve the remainder of his term as a lame duck. Houston responded to the insult by running for governor in 1857. Over the

course of this campaign, he traveled over 1,500 miles, visited forty-two cities, and gave endless speeches, many lasting as long as four hours. Despite his efforts, Houston lost the election to Hardin R. Runnels. Houston's loss came in part from his association with the anti-immigrant Know-Nothing Party, which proved unpopular among voters of Mexican and German ancestry who might otherwise have sympathized with Houston's antislavery stance.

## TEXAS LEGENDS

### SAM HOUSTON



*Sam Houston*

Sam Houston  
North Wind Picture Archives / Alamy Stock Photo

By the time he became a Texan and led Texas to independence, Sam Houston had gone through two wives and lots of alcohol and was, in the words of Texas historian James L. Haley, "considered in respectable circles as unsavory as he was colorful."<sup>i</sup> However, no one better reflects the reality that the greatness of Texas's legends can be found in less-than-perfect people, as Houston guided Texas through some of its most dramatic transitions.

In his youth, Houston generally preferred sneaking away to live among the Native Americans to working in the family business. Houston distinguished himself during the War of 1812, serving bravely and winning the admiration of General Andrew Jackson. Houston followed Jackson, his new mentor, into politics and was sometimes mentioned as a successor to President Jackson. However, Houston's first marriage abruptly ended in 1827 in the middle of his term as governor of Tennessee and just two months after his wedding. His marriage over and his political career in ruins, Houston went to live again among the Cherokees. During this time, he partnered with a Cherokee

woman but without entering into a formal Christian marriage. Over time, Houston's state of mind deteriorated, and his hosts eventually stripped him of his original American Indian name ("The Raven") and began to call him Oo-tse-tee Ar-deet-ah-skee ("The Big Drunk").<sup>ii</sup> After abandoning his second wife and returning to public life in America, Houston narrowly avoided jail after assaulting a member of Congress who had insulted his integrity. Brought before Congress to face charges, Houston delivered an impassioned defense on his own behalf, allegedly because his lawyer, Francis Scott Key, was too hungover to speak.

During the Texas Revolution, gossips frequently attributed Houston's disappearances to drinking binges rather than military missions. Some questioned his bravery and military leadership during the war. Many Texans wanted Houston to turn and fight the Mexican Army sooner, despite Houston's protest that his troops were undertrained and outnumbered. While most Texans sided with Houston after his victory at San Jacinto, criticisms of his conduct during the war reappeared in political campaigns for the rest of his career.

After leading Texas through the revolution, Houston continued to play a major role in the changes in the state while serving as Texas's first president during its years as an independent nation. Houston struggled in the years after the Texas Revolution to protect the Tejanos who had served alongside him during the war. Similarly, his years among the Cherokees and his continued fondness for them left him at odds with many Anglos who preferred to see Native Americans driven off or killed.

After Houston played a central role in winning Texas's entry into the United States, his final political act was the struggle to keep Texas from seceding and joining the Confederacy. Houston disliked slavery and defied state law by freeing his own enslaved persons. He had been one of few southern senators to speak out against slavery, a sentiment that led the Texas Legislature to vote against his return to the Senate. His final departure from politics came when he refused to support the secession of Texas in the American Civil War and, as a result, was forced by the legislature to resign his governorship. If Texans had followed Houston's leadership, the lives of many Texas soldiers would have been saved and the state spared postwar Reconstruction.

Houston finally settled down after marrying his third wife and finding redemption, but he never denied his faults. When asked if his sins had been washed away at his river baptism, Houston joked and said, "I hope so. But if they were all washed away, the Lord help the fish down below."<sup>iii</sup>

However numerous his sins, Houston's principles make him a much more heroic historical figure than many of his more sober peers. From the moment Houston arrived in Texas, he became a central figure in the transformation of the state, and for thirty years, he guided Texas through its most turbulent times. While Houston might be unelectable today, he did more to shape modern Texas than any other person.

How should Sam Houston's contribution to Texas shape how voters think about elected officials? **Personal Responsibility**

How do people's personal lives shape how they can serve the public? **Critical Thinking**

<sup>i</sup> James L. Haley, *Passionate Nation: The Epic History of Texas* (New York: Free Press, 2006), 107.

<sup>ii</sup> James E. Crisp, *Sleuthing the Alamo: Davy Crockett's Last Stand and other Mysteries of the Texas Revolution* (New York: Oxford University Press, 2004), 29.

<sup>iii</sup> Haley, *Passionate Nation*, 277.

After serving out the remainder of his term, Houston left the U.S. Senate in 1859 to run once again for governor, hoping that when the South seceded from the Union he could lead Texas back to independence. This time, Houston was successful, defeating Runnels. Nonetheless, over the objections of Governor Houston, the Secession Convention was subsequently convened, and on February 1, 1861, it voted overwhelmingly in favor of secession. A few weeks later, voters statewide approved a secession ordinance by a three-to-one margin. The Secession Convention approved a requirement that all state officers swear an oath of loyalty to the Confederacy. After Houston refused to take the oath, the governor's office was declared vacant.

The Confederate regime in Texas was a disaster for many. Not only were free Black people victimized, but Germans were targeted for harassment because of their opposition to slavery. Tejanos saw their land seized, and many Tejanos chose to align themselves with the Union. Some enlisted, becoming the heart of the Union's Second Cavalry, while others fought as pro-Union guerrillas. Many pro-Union Anglos were forced to flee the state. William Marsh Rice, whose wealth would one day endow Rice University, had to leave Houston and move his businesses to Matamoros in Mexico.

## Reconstruction in Texas

Northern rule arrived with the end of the Civil War on June 19, 1865, when Union forces under General Gordon Granger arrived in Galveston, bringing with them a proclamation ending slavery in Texas. That date, known as Juneteenth, was the day on which persons enslaved in Texas were actually freed, despite President Abraham Lincoln having signed the Emancipation Proclamation in January 1863. While many transformations in Texas history involved the arrival of new citizens from outside the state, the end of slavery meant that former enslaved persons were now new citizens in their old state. Joining with a small number of Anglo Republicans, African Americans helped elect Republicans to statewide offices and constitutional conventions.

Freedom proved a mixed blessing for the “freedmen.” While legally they were free, in practical terms freedmen endured horrendous intimidation and exploitation. State law would not recognize any marriage involving Black Texans until 1869. Although the Freedmen’s Bureau was created to help former enslaved persons, the bureau’s efforts were sometimes limited by administrators who, while supporting the end of slavery, doubted the goal of racial equality. Texas, like other southern states, passed so-called “black codes” that were designed to limit the rights of African Americans in the state. In Texas, any person with one-eighth or more of “Negro blood” could not serve on a jury or vote. With local law enforcement often in the hands of Confederate sympathizers, African Americans relied on Union troops for protection. As elsewhere in the former Confederate states, the Ku Klux Klan became a vehicle for terrorizing formerly enslaved persons and those sympathetic to their cause, as well as “carpetbaggers” (people from the North who came south to assist or cash in on Reconstruction) and “scalawags” (Republicans of local origin).

In January 1866, Texans elected delegates to a convention to draft a new state constitution aimed at winning the state readmission into the United States. However, the Texas Legislature seemed to have missed the news that the South had lost the war: The legislature refused to ratify the Thirteenth Amendment (ending slavery) and the Fourteenth Amendment (guaranteeing equal rights) and instead drafted a framework of laws limiting the rights of African Americans. The Constitution of 1866 failed to meet the demands of the Radical Republicans, who had won control of the U.S. Congress in the 1866 election. The political transition to Republican control of Texas government during Reconstruction resulted from African Americans gaining the right to vote as supporters of the Confederacy lost their right to vote or hold office after Congress passed the Second Reconstruction Act. Therefore, the next constitutional convention was dominated by Republicans, who accounted for seventy-eight of the ninety delegates. The resulting Constitution of 1869 won for Texas readmission to the United States by granting rights to African Americans, including the rights to vote, run for office, serve on juries, testify in court against white Texans, and attend public schools.

## The End of Reconstruction and Rise of the “Redeemers”

Texas politics was transformed again when Reconstruction ended and more Confederate sympathizers were allowed to vote. The Democrats (the party of the white Confederate sympathizers) won control of the legislature in the election of 1872. Like emancipation, this transformation of Texas politics did not arise from an influx of new Texans but rather resulted from the reestablishment of political rights of white supremacists. Once in control of Texas government, the Democrats proclaimed themselves “Redeemers” and removed the last remnants of Republican rule. On August 2, 1875, the Texas Legislature authorized a new constitutional convention and elected three delegates each from the state’s thirty senatorial districts. None

of the ninety members of the 1875 convention had been a member of the convention that drafted the Constitution of 1869, and the partisan composition was dramatically different. Seventy-five members were Democrats while only fifteen were Republicans. At least forty were members of the Patrons of Husbandry, also called the Grange, an economic and political organization of farmers.

The rise of the Redeemers and the impact of the Grange are especially important transitions in Texas politics because the constitution of this era remains in force long after the politics and politicians responsible for it had vanished. Texas has continued to change and grow, but the Texas Constitution has not been replaced since, only amended—piecemeal changes resulting in minor alterations to the basic design of 1876. The twenty-five years that followed the Civil War spawned the cowboy imagery that Texans still relish. It was during this brief period that the frontier truly existed, when Texas was in fact home to the quintessential rugged cowboy who tended large ranches and oversaw herds of cattle—a stereotype that has remained rooted in the Texan persona ever since. Although Texans hold the legend of the cowboy in high esteem, the cowboy's life was anything but glamorous. Most were young. About one-third were Hispanic or African American. The ranch owners generally regarded them as common laborers on horseback, and the men who rode the range and drove the cattle were paid less than the trail cooks.<sup>21</sup> By the 1890s, the fabled trail drives had come to an end, finished by drought, quarantines, barbed-wire fencing across the open range, and competition from the railroads.

The state government encouraged immigration in the last half of the nineteenth century to help settle and populate the western part of the state and drive off Native American groups. Some state officials saw the immigration of white settlers and farmers as a means of counteracting the increase in African Americans, many of whom had become sharecroppers. Germans flooded into Texas, their numbers surged to exceed Texans of Mexican ancestry.<sup>22</sup> While Texas west of Austin may have resembled the Wild West, most Texans resided in the eastern portion of the state, which resembled the “New South” that was emerging elsewhere out of the former Confederacy and was characterized by railroad networks and urbanized cities, such as Dallas.

### The Era of Reform

As Texas transitioned from the farming and ranching of the nineteenth century to the industrial and oil economy of the twentieth century, the state began to struggle with the limits of the Constitution of 1876. In 1890, Attorney General James Stephen Hogg decided that his office



Although glamorized in movies and television shows, cowboys, or vaqueros, led a hard life and were often shunned by civilized society.

Stephen Saks Photography / Alamy

lacked the resources to adequately enforce regulations on the state's railroads. Hogg's call for the creation of a railroad commission became a centerpiece of his campaign for governor. The railroads labeled Hogg "communistic," but his economic and political reforms proved popular, and his election represented the first stirrings of the reform movement in Texas. While the creation of the Texas Railroad Commission was heralded as a means to achieve fair competition, in practice it was often used to restrict out-of-state railroads and protect Texas-based businesses from international competitors.

Frustrated by the lack of responsiveness from the Democrats to their needs, farmers organized the People's Party, more commonly known as the Populist Party. While the populists were short-lived, their call for radical reforms, including public ownership of the railroads, and their willingness to reach out to Black voters rattled the political order. After the populists were absorbed into the Democratic Party, the progressives took up the role of reform. In contrast to the populists' narrow base in agricultural communities, the progressives emerged in the 1890s as a broader reform movement attacking both the railroads that bedeviled the farmers and the big industries that challenged urban labor.

While progressive candidates for governor won elections, their legislative victories were limited. Thomas Campbell won the governorship in the election of 1906 only to see much of his progressive agenda hijacked or sidetracked by the legislature. Most crucially, Campbell was unable to win approval of statewide referenda and recall. Legislation requiring that insurance companies invest 75 percent of their premiums in Texas did change the way insurance companies operated, but this mainly benefited Texas businesses and drove foreign insurers from the state.

The Progressive movement in Texas became consumed by the alcohol prohibition issue, in part because Texas politics lacked the large corporations and big-city political machines that energized the efforts of progressives in the North. Much of the prohibitionists' efforts took place at the local level; they were especially successful at winning local option elections that outlawed drinking. In 1891, the Texas Legislature put a prohibitionist constitutional amendment before the state's voters. The campaign was intense, and voters turned out at more than twice the rate they had in the previous gubernatorial election to narrowly reject the amendment by a 237,393 to 231,096 vote.

While the emergence of a new Texas economy early in the twentieth century and the reforms of the Progressive movement captured the attention of many voters, others remained fixated on the old issues of race and the Civil War. In a struggle that foreshadows today's battle over the history that is taught in Texas's classrooms, Governor Oscar Branch Colquitt struggled in his 1912 reelection bid after he criticized the state textbook board for rejecting a history book because it contained a photograph of Abraham Lincoln. Meanwhile, voters flocked to see Colquitt's opponent, William Ramsay, who played upon southern sentiments in his speeches and had bands play "Dixie" during campaign events. Prohibition was a hotly contested issue on its own and reflected old racial hatreds, as alcohol was portrayed as a vice of the Germans and Mexicans.

No one better personifies the failures of Texas progressives to produce reform in the state than James E. "Pa" Ferguson. While the rest of the Texas political system obsessed over the Prohibition issue, "Farmer Jim" shunned it and instead won office with promises of capping how much rent tenant farmers could be charged by their landlords. Ferguson's tenant farmer law was ultimately ruled unconstitutional, but he remained a hero to the state's small farmers. Ferguson could be charming, but his politics were often petty. For example, he used appointments to the board of Prairie View State Normal and Industrial College (now



Prairie View A and M) to remove Principal Edward Blackshear, who had had the temerity to support a political rival. Ferguson also took his personal political fight to the University of Texas (UT), demanding the removal of William J. Battle, the president of the university. When asked his reason for wanting Battle's removal, Ferguson proclaimed, "I don't have to give any reason. I am Governor of the State of Texas."<sup>23</sup> Later, Ferguson vetoed appropriations for the university. After Ferguson was elected to a second term in 1916, his battle with the university and its allies ultimately brought him down. On July 23, 1917, the Speaker of the Texas House called for a special session to consider impeachment, and in August, the Texas House voted on twenty-one articles of impeachment, including charges dealing with Ferguson's personal finances, especially bank loans. The Senate found him guilty on ten charges, primarily those dealing with his finances. While impeachment removed Ferguson from the governor's office and disqualified him from holding other public office, Texas was not so easily rid of his influence.

Ferguson's departure made passage of statewide prohibition of alcohol easier, and by May 1919, an amendment to the Texas Constitution outlawed the sale of alcohol after voter approval. As in other states, the prohibition of liquor in Texas proved unworkable, as many Texans refused to give up alcohol. The legislature contributed to the failure of the initiative by providing very little funding for the enforcement necessary to make Prohibition a success. Organized crime thrived on the revenue that illegal alcohol distribution and sales brought and allegedly worked with prohibitionists to keep alcohol illegal. During Prohibition, over 20 percent of all arrests in the state were related to the ban of alcohol.<sup>24</sup> Galveston became a major center for liquor smuggling as foreign ships anchored along "Rum Row," a line just beyond U.S. territorial waters where boats dropped anchor to distribute alcohol just out of the reach of American law.

While voters were approving Prohibition, they also rejected an amendment that would have embraced another item on the progressives' list of reforms: the right of women to vote in all elections. Some of the resistance was based solely on gender discrimination, but some southern voters believed that granting equal rights to women would open the door to "Negro rule" and socialism.

The economic changes that came with the new century resulted from a flood of oil rather than new citizens. While oil's presence in Texas had been noted since Spanish explorers used natural tar seeps to patch their boats, its impact on the state was not realized until the early twentieth century. A few wells were drilled in Texas in the 1890s, but the state lacked the refinery capacity to make use of the oil. After the first refinery was built in Texas, interest in oil exploration increased, but the state remained a minor producer. That changed in 1901 when the Spindletop oil rig near Beaumont hit oil and gas, eventually producing 100,000 barrels of oil a day. Investors began streaming into the state in search of oil; by 1928, Texas was leading the nation in oil production, providing 20 percent of the world's supply. By 1929, oil had replaced "King Cotton" as the largest part of the Texas economy.

Just as oil investors transformed much of the Texas countryside and economy, oil revenues had a huge impact on Texas government, contributing almost \$6 million to state accounts by 1929 and reducing the need for other state taxes. Texas's other major business was lumber, which grew dramatically early in the twentieth century, eventually topping 2.25 billion board feet in 1907 before overcutting slowed production. Highway construction boomed in Texas, and by the end of the 1920s, Texas had almost 19,000 miles of highway. Fruit trees were introduced into southern Texas, providing a new segment of the economy and planting the seeds for future

immigration, as seasonal, migratory labor was needed to harvest these fruits. By the 1920s, Texas seemed well on its way to establishing a strong and diverse economy—a trend that would be undone by the Great Depression.

### The Great Depression and the New Deal in Texas

Burdened with a depressed economy and the overproduction of oil and cotton, Governor Sterling ran for reelection against “Pa” Ferguson’s legacy: his wife, Miriam “Ma” Ferguson, who trounced Sterling at the ballot box. While the Fergusons finally departed the governor’s office for good in 1935, it wasn’t long before another character, Wilbert Lee “Pappy” O’Daniel, ushered in a new brand of populist politics. O’Daniel, a former sales manager for a flour mill, became known statewide as the host of a radio show that featured the music of the Light Crust Doughboys mixed with inspirational stories. Purportedly encouraged by listeners’ letters urging him to run—although some suggested that wealthy business interests and a public relations expert had done the urging—O’Daniel declared his candidacy, proclaiming the Ten Commandments as his platform and the Golden Rule as his motto. He won the Democratic nomination without a runoff and, facing no real opposition, won the general election with 97 percent of the vote.

Although a colorful personality on the campaign trail, O’Daniel accomplished little of importance once in office, as he lacked the skill to work with legislators and tended to appoint less-than-qualified people to office. After winning reelection to the governorship in 1940, O’Daniel shifted his sights to Washington, D.C., when the death of Senator Morris Sheppard created a vacancy in 1941. O’Daniel won the special election to replace Sheppard, narrowly edging out a young ex-congressman named Lyndon Johnson in a disputed election.

Texas spent the rest of the twentieth century in transition, shedding some old habits. Despite the landmark *Brown v. Board of Education* Supreme Court decision in 1954, which mandated that states desegregate with “all deliberate speed,” Texas resisted desegregation. Many Texas schools remained segregated well into the early 1970s, when federal courts ordered them to desegregate. In 1954, Texas women belatedly won the right to serve on juries, but further progress toward equality was slow. In the 1960s, only six women served in the Texas Legislature. However, by 1972 voters approved an equal rights amendment to the state constitution, and the legislature voted to ratify the national Equal Rights Amendment (ERA), although it would fail to get the required three-quarters of states nationally. In 1975, Liz Cockrell was elected mayor of San Antonio, making her the first woman mayor of a major Texas city.

By the 1960s, the partisan legacy of the Civil War was finally beginning to wear off. In 1961, John Tower was elected to the U.S. Senate, becoming the first Republican to win statewide office since Reconstruction. With the Republican Party showing signs of viability, many conservative Democrats shifted their allegiance to the Republican Party in state elections. This followed years of dividing their loyalty by voting for Republicans in national elections while supporting Democrats for state and local offices, a practice labeled **presidential republicanism**. The career of Texas governor John Connally is a case in point. Connally, although friendly with Lyndon Johnson and elected governor as a Democrat, served in the cabinet of Republican president Richard Nixon before eventually seeking the presidency himself as a Republican candidate. Texas did not elect its first Republican governor until 1978 when William P. Clements won an upset victory. His narrow victory proved a significant first step, as Texas Republicans thereafter began to score more and more successes. Once

conservatives saw that they could win elections under the Republican banner, they began to shift their party affiliation. By the 1996 elections, Republicans dominated, winning every statewide office on the ballot.

## TEXAS LEGENDS

### BOB BULLOCK

When Texas governor George W. Bush delivered the eulogy for Bob Bullock in June 1999, he honored him as “the largest Texan of our time.” Although the state’s historical museum in Austin now bears his name, Bullock’s path to legendary status was neither steady nor straight. Bullock began his political career aligned with segregationists, transformed himself into a liberal Democrat, and then metamorphosed into one of Republican George W. Bush’s most important political allies. Bullock was very much like Sam Houston, a Texan who transcended personal failing to rise to greatness and become a state icon. As Bullock quipped when Hill Junior College put his name on a building, “I’m so happy that they named a gym after me instead of a prison.”<sup>i</sup>

Bullock grew up in Hillsboro, Texas, where it seemed to many that he was more likely to end up inside the walls of one of the state’s penal institutions than atop its political institutions. Some in Hillsboro attribute to a young Bob Bullock a prank right out of *American Graffiti*. One night someone wrapped a chain around the rear axle of a police cruiser, tied it to a telephone pole, and then called the police to tell the officer on duty that evening about a big fight at a local café. When the officer leaped into his car, the car lurched as far as the end of the chain before its rear end was yanked clear off.

Bullock battled his way through Texas government as legislator, lobbyist, staffer for Governor Preston Smith, and secretary of state. Even as he worked his way up in Texas politics, he chain-smoked and drank a fifth of whiskey daily. In 1974, Bullock won statewide election to the position of comptroller of public accounts, and he modernized the office’s accounting practices by replacing paper-and-pencil account ledgers and mechanical adding machines with computers. Bullock won an expanded budget for his office by promising legislators that, with a few more million dollars provided for auditors and enforcers, he would find a few hundred million more in revenue that the legislature could appropriate. Bullock used these resources to stage dramatic, highly visible seizure raids at some businesses. The raids encouraged other delinquent businesses to settle their accounts. Bullock never shied from a battle, once forcing the Texas Council of Campfire Girls to pay \$13,284 for sales



Bob Bullock  
Harry Cabluck / Associated Press

taxes on their fundraising candy sales.<sup>ii</sup> He also used the comptroller's ability to generate tax revenue estimates that effectively served as a cap on legislative spending as a tool for influencing state policy.

As much as Bullock mastered political office, he was unable to master his appetites. Bullock occasionally showed up at work drunk and traveled around the state on business accompanied by a companion selected from the secretarial pool. Once, after being caught using a state airplane for personal trips, Bullock proclaimed, "Yeah, I'm a crook, but I'm the best comptroller the state ever had."<sup>iii</sup> While he could be blunt in his politics, he wasn't interested in having too much truth reported. When pressed too insistently by reporters at a press conference, Bullock warned, "I keep files on reporters, too. I could name your girlfriends and where they live and what flowers you buy them . . . if I wanted to tell that to your wives."<sup>iv</sup> When the paper began reporting on his use of public funds for a new truck, Bullock mailed boxes of cow manure to the *Dallas Morning News*, a move his spokesman later defended by saying, "He did it on his own time, on his own money."<sup>v</sup>

By the time he was elected lieutenant governor in 1990, Bullock had put most of his troubled past behind him, telling one person, "There is nothing left for me to do but what's good for Texas."<sup>vi</sup> When George W. Bush became governor, he immediately realized that Bullock's years of experience, fundraising skills, and legislative connections made him an indispensable partner, especially for a governor new to state government. Working closely with Bullock, Bush built the record of bipartisan legislative success that helped propel him to the White House. The endorsement of Bullock, a longtime Democrat, gave Bush an important boost. Known for closing his remarks with "God bless Texas," Bullock found a way to move beyond the personal controversy that often swirled around him and help Texas forge ahead.

How did Bullock survive political scandal? **Critical Thinking**

Would a candidate like Bob Bullock be electable today? **Personal Responsibility**

<sup>i</sup> Dave McNeely and Jim Henderson, *Bob Bullock: God Bless Texas* (Austin: University of Texas Press, 2008), 16.

<sup>ii</sup> McNeely and Henderson, *Bob Bullock*, 111.

<sup>iii</sup> McNeely and Henderson, *Bob Bullock*, 7.

<sup>iv</sup> McNeely and Henderson, *Bob Bullock*, 114.

<sup>v</sup> McNeely and Henderson, *Bob Bullock*, 141.

<sup>vi</sup> McNeely and Henderson, *Bob Bullock*, 207.

## DEFINING TEXAS: POLITICAL CULTURE

**1.5** Describe the political culture of Texas and its impact on Texas government.

While Texas can be viewed through a variety of lenses, the state's geography is not the only way of looking at Texas and its citizens. In a classic study of political life in America, Daniel Elazar focused on political culture. **Political culture** comprises the shared values and beliefs about the nature of the political world that give us a common language that we can use to discuss and debate ideas.<sup>25</sup> Elazar identified three political subcultures that followed America's immigration pattern. The **individualistic political culture** that many observers attribute to Texans holds that individuals are best left largely free of the intervention of community forces such as government, which should attempt only those things demanded by the people it is created to serve.<sup>26</sup> Government operates in a marketplace; its goal is to encourage private initiative but not

particularly to create a “good society.”<sup>27</sup> According to Elazar, the individualistic subculture is present where people seek to improve their lot and want the government to stay out of their lives. From these roots, a preference for as little government as possible and a general distrust of government persists today across much of the state.

In contrast, the **traditionalistic political culture** sees government as having a limited role concerned with the preservation of the existing social order. Traditionalistic subcultures want to preserve traditional power of elites, who are viewed as having the knowledge and experience to maintain order and stability. The traditionalistic culture can be seen in areas such as East Texas that were more heavily influenced by the traditions of the Old South. Low voter turnout is preferred because politics should be left to those best suited to participate and govern. Finally, the **moralistic political culture** sees the exercise of community forces as sometimes necessary to advance the public good. In this view, government can be a positive force, and citizens want to participate in politics to advance the collective good. While this view can be found in many places in New England and in the Midwest, it is rare in Texas.

Elazar’s premise is that political cultures are based on immigration patterns. While early immigrants to Texas were largely Anglos from the United States, Texas also saw significant German immigration. In 1830, Friedrich Ernst obtained a land grant to establish a colony that would become Texas’s first German town—Industry, Texas. By the 1840s, a group of nobles from Biebrich, Germany, created the **Adelsverein society** to establish a German state in Texas and provide a market for German goods. The Adelsvereins facilitated significant emigration from Germany to Texas. New Braunfels and Fredericksburg are perhaps the best-known settlements of the effort. While German Texans generally shared other Texans’ preference for individualism, they were much more likely to oppose slavery and secession. By 1850, Germans comprised at least 5 percent of the total Texas population. The so-called Texas German Belt, in Central Texas along what is now I-35, still bears the cultural imprint of German settlements, visible in the Kolache stands and German festivals, as well as the names of towns (Boerne, Luckenbach) and attractions (Schlitterbahn). According to the U.S. Census Bureau, nearly 2.6 million Texans, or 8.6 percent of the state’s population, claim either pure or partial German ancestry, the second-largest non-Hispanic white group behind the 3.5 million Texans of English ancestry.<sup>28</sup>

Elazar’s division, based on immigration patterns, is useful in distinguishing political cultures between states overall. Texas is often considered a mixture of traditionalistic and individualistic political cultures. Yet Texas continues to be significantly characterized by other factors, including its long-standing frontier. For most of its existence, Texas had a vast and significant frontier that hampered the ability of Spain and later Mexico to govern the state. Political culture in Texas, as in other frontier states, would develop peculiar preferences and institutions quite distinct from those of states far from the frontier. Life on the frontier was more difficult and more uncertain than life in Massachusetts or Virginia. Moving to Texas meant that, in exchange for the promise of inexpensive land, settlers had to cultivate the land, build their homes, and defend their piece of the frontier. Government in general and law enforcement in particular were sparse in Texas, with the Texas Rangers traveling around the state. If the average Texan preferred small government and few social services, as Elazar contended, they also came to prize their guns and their right to defend their home. Justice needed to be swift and harsh to deter criminals. This created a punitive understanding of justice rather than a preference for rehabilitation. We see the influence of the frontier continue today in preferences for little gun control, a permissive castle doctrine (the right to defend your castle), a greater amount of criminalized behavior, and an emphasis on punitive justice.

Parts of Texas belong in the Deep South nation, where the remnants of aristocratic privilege and classical republicanism can still be seen in the notion that democracy is a privilege of the few. The Deep South is internally polarized on racial grounds and deeply at odds with other nations over the direction of the state and the country, consistent with traditionalist political culture. Other parts of Texas, including central and northern parts, hold a deep commitment to individual liberty and personal sovereignty but dislike the aristocrats of the Deep South, consistent with individualistic political culture. Areas around the Rio Grande Valley reflect the Tejanos' influence, with an emphasis related to individualistic political culture as well: self-reliance, work ethic, and independent mindedness.



Residents of Laredo watch the 2017 Washington's Birthday Parade from a rooftop. The parade is part of an annual celebration of George Washington's birthday that reflects the blending of cultures and traditions found in Texas.

Ray Whitehouse for the *Washington Post* via Getty Images

The mixing of cultures in Texas has produced entirely new cultures unique to the state. In no place is this unique mixture more evident than in Laredo's annual Washington's Birthday Celebration, a monthlong festival to celebrate George Washington's birthday. Created in 1898, it takes an American-style celebration and unites it with the city's diverse roots. Today, Mexican food, colonial gowns, and fireworks all star in this celebration of the city's multicultural roots, and Laredoans and their guests move easily from an International Bridge ceremony to jalapeño-eating contests to formal colonial pageants and a Princess Pocahontas pageant. In this sense, Laredo perfectly embraces the tradition of change that defines Texas, as very different cultures find their place in the Texas spirit. Thus, localism allows for Texans to celebrate variations in political culture, legends, and traditions as they impact state policies and politics.

As this discussion illustrates, identifying a single political culture in a state that is as large, diverse, and constantly changing as Texas is a tall order. As John Steinbeck suggested, Texas is as much a state of mind as a geographic state. The diverse range of traditions found in the state

gives Texans a rich variety of legends from which to draw. According to historian Randolph B. Campbell, most Texans have opted to draw upon the rugged individualism that evokes cowboys and cattle drives rather than the slavery, secession, and defeat of the Old South.<sup>29</sup> Even then, the lonely cowboy driving cattle across the open plains is an uncertain guide for Texans trying to find their place in the state today. Texans' identity and expectations of their government are grounded in images of the past that may not be entirely true, and political culture shapes constitution, institutions, and norms. Thus, we have to wonder how our understandings of our past are shaping the state's future.

## DEFINING TEXAS: TRADITION AND TRANSFORMATION

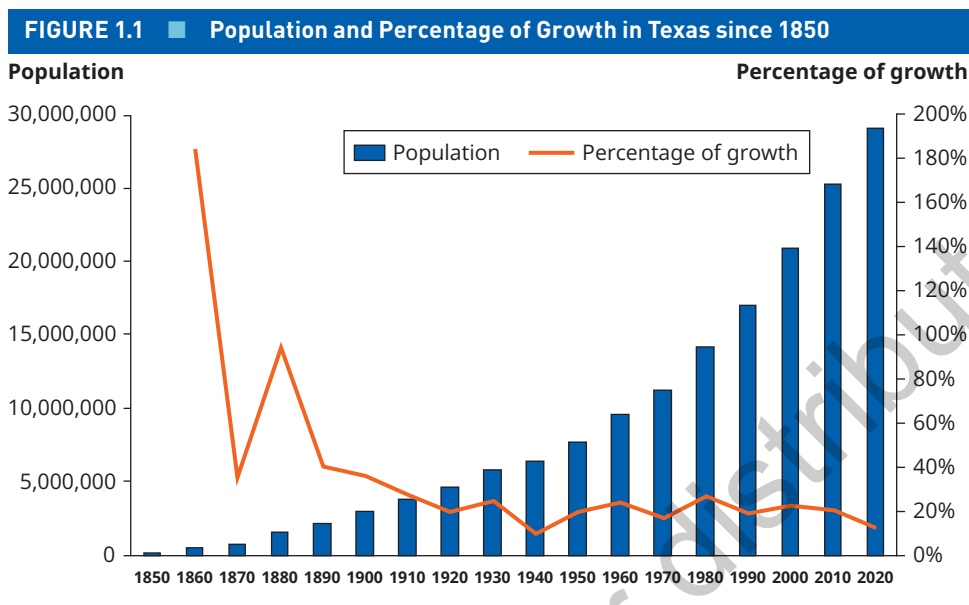
**1.6** Discuss how the population of Texas has changed and continues to change.

Texas continues its tradition of change. For hundreds of years, people left their old lives to build new ones in Texas, leaving behind them signs declaring “Gone to Texas.” While these generations of new Texans brought different languages and cultures, all consistently brought one thing: change. Such transformations have defined Texas since the 1500s when newly arrived Spanish explorers turned the Caddo word for “friend” (*techas*) into *Tejas*, a term describing the Caddo nation.<sup>30</sup> In the centuries since, waves of people have come to Texas seeking opportunity and bringing change.

The changes have not always been welcome by established Texans. When explorer Francisco Vázquez de Coronado's expedition arrived and proudly proclaimed to the Zuni who lived in Texas that the people now enjoyed protection as subjects of the Spanish king, the Zunis answered with a volley of arrows.<sup>31</sup> The arrows bounced off the Spanish armor, and today, immigrants arriving from across the nation and around the world generally receive a better reception. Still, new arrivals have often been seen by many Texans as competitors rather than partners in the state's future.

New arrivals remain a constant in Texas. The state's population has increased about a hundredfold since Texas joined the United States, growing at an average of just over 40 percent each decade (see Figure 1.1). The U.S. Census Bureau estimated that there were 30,503,301 Texans in 2023, up 4.7 percent since 2020.<sup>32</sup> Viewed differently, the 3.99-million-person growth that Texas saw between the 2010 census and the 2020 census is larger than the total population of half of the states. Six of the ten counties with the largest population growth were in Texas, including Harris, Tarrant, Bexar, Dallas, Collin, and Travis Counties. In 2020, Texas boasted the fastest-growing cities by rate: Georgetown (10.1 percent) and Leander (10.1 percent), as well as the city with the greatest absolute gain (San Antonio).<sup>33</sup>

According to the Office of the Texas State Demographer, Texas will do a lot more growing. Changes in immigration and birth rates make predictions difficult, but the state could have as many as 31.2 million citizens in 2050, even if there is zero migration into the state. If migration into the state continues at the pace seen from 2010 to 2015, then 2050 could see over 47.3 million Texans. Over the last three decades, the primary driver of Texas's population growth has shifted to domestic migration. In the 2010 to 2020 census period, natural increase accounted for 48.3 percent of Texas's population growth, domestic migration contributed to 31 percent of the population growth, and international migration contributed 20.7 percent. Between 2020 and 2021, domestic migration accounted for 55 percent of the state's population growth, while



Source: Data from U.S. Census Bureau, "Texas: 2020 Census," accessed May 14, 2024, <https://www.census.gov/library/stories/state-by-state/texas-population-change-between-census-decade.html>.

international migration shrank to just 7.5 percent. How today's Texans make room for the millions of new residents expected over the next two decades is an important part of the state's politics.

Change is especially difficult for a political system that must meet the needs of a large, diverse, and ever-shifting population. Political systems tend to represent the status quo, and established groups are inherently threatened by changes to the government's base of power. Because politics is about "who gets what," newcomers compete against established residents, leaving the government to resolve the conflict and determine who wins and who loses. Politics becomes a battle between the old and the new, and this battle is often repeated in Texas. The Texas Revolution, which came about when Mexican officials refused to meet the needs of Anglo settlers, is probably the most dramatic—and ultimately literal—example of politics as a battle.

A snapshot of Texas reveals increasing population diversity as the state grows. In 2005, Texas became a majority–minority state, joining Hawaii, New Mexico, Nevada, Maryland, and California as states in which the country's majority (Anglos) make up less than half of the state's population. In Texas today, Anglos account for 39.8 percent of the state's population. While about 77.4 percent of Texas residents describe themselves as white, this category includes both Anglos and Hispanics. Almost 17 percent of Texans (compared to 13.5 percent of Americans) are foreign born, and just over one in three Texans speaks a language other than English at home (compared to one in five Americans).<sup>34</sup>

The state's future will be even more diverse (see Table 1.1). The state demographer estimates that, from 2010 to 2050, Texas's Hispanic population will grow from just under 10 million to just over 20 million. During that same time, the Anglo population is expected to stay relatively unchanged at 11 million to 12 million.<sup>35</sup> While some of the increase in the number of Hispanics in Texas may result from immigration, the number will rise even if immigration ends because the state's Hispanic population continues to grow while its Anglo population remains relatively flat. Thus, the Texans most likely to make baby Texans in the immediate future are Hispanic.



	2000 Census	2010 Census	2020 Census	Projected 2030	Projected 2040	Projected 2050
Total population	20,851,820	25,145,561	29,145,505	34,894,452	40,686,496	47,342,105
NH white	10,933,313	11,397,345	11,872,409	12,774,056	13,203,514	13,523,839
NH Black	2,364,255	2,886,825	3,567,765	4,322,983	5,141,963	6,030,795
NH Asian	554,445	948,426	1,515,085	2,414,778	3,772,186	5,782,879
NH other	330,141	452,044	578,942	929,686	1,308,013	1,812,842
Hispanic	6,669,666	9,460,921	11,683,452	14,452,949	17,260,820	20,191,750

Source: Texas Demographic Center, *Texas Population Projections 2010 to 2050*, September 2019, [https://demographics.texas.gov/Resources/publications/2019/20190925\\_PopProjectionsBrief.pdf](https://demographics.texas.gov/Resources/publications/2019/20190925_PopProjectionsBrief.pdf).

Note: NH = non-Hispanic.

While much has been made of the emergence of a Latino majority in Texas, we have to remember how broad these racial categories are and how many differences exist within such groups. The term *Hispanic* includes many recent immigrants who may share a language but have origins that go beyond those of the Mexican Americans usually considered Hispanics in Texas. In fact, Texas has seen immigration from both Central and South America. While Hispanics who come from countries in these regions may share a language, the nations are very different. At the same time, some Hispanics in Texas trace their lineage to Spain's control over the region before the United States, Texas, or even Mexico existed. These Texan families represent some of the state's oldest, and including them in the same category with the state's newest arrivals illustrates the problems of relying on such broad categories.

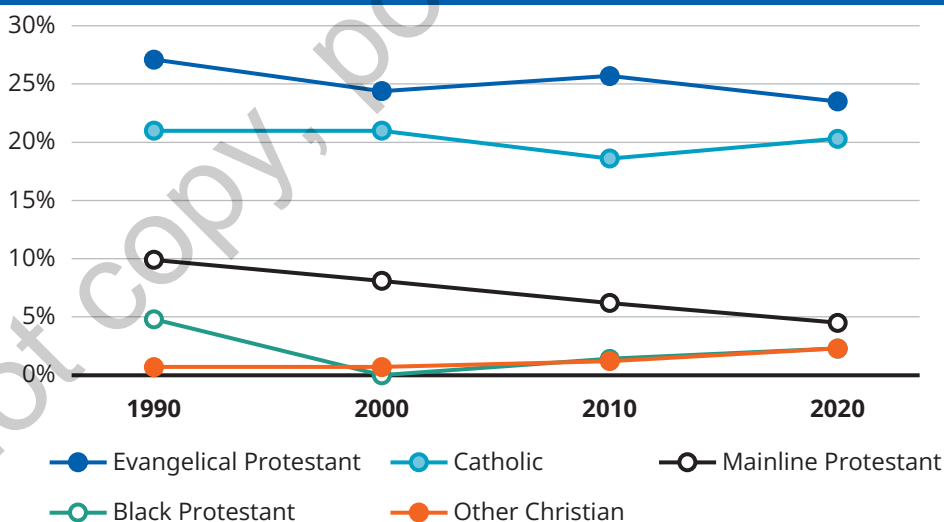
Frequently overlooked in the debate over immigration today is the rising number of emigrants coming from Asia. According to the Texas demographer's office, Texas has experienced an increase in Asian and African immigration in the last decade. Since 2010, over half of Texas non-citizen immigrants come from Latin America, 30.5 percent come from Asia, and another 11 percent come from Africa.<sup>36</sup> Thus, new Texans are increasingly more diverse, a reflection in part of the state's continued involvement in an increasingly complex global economy.

Many of the 47 million people living in Texas in 2050 will be the product of several generations of living in America and of all the socialization inherent in the public school system, media, and broader culture. Some observers believe that the rising number of Hispanics will lead inevitably to a Democratic electoral majority in Texas. In 2020, Hispanics in Texas favored Democrats in statewide races by nearly a two-to-one margin.<sup>37</sup> By 2022, Republicans made gains among Hispanics, capturing around 40 percent of the Hispanic vote in Texas.<sup>38</sup> Of course, the popularity of the two parties among Hispanics will turn on a variety of policy issues. Hispanics, like German Americans and other groups, will continue to evolve and eventually become a natural part of political life in Texas. Further, while segregation remains a reality in the United States, that barrier is often not enough to stop the cause of true love; as one study found, 26 percent of Hispanic men and 28 percent of Hispanic women had married someone

of another race or ethnicity.<sup>39</sup> By 2050, several generations will have married Texans from other demographic groups and have produced Texans who do not fit the demographic labels we attach so much meaning to today. Today's great-grandchildren of the German and Irish immigrants likely put little stock in the distinctions between these groups, and future generations of Texans will doubtlessly see themselves differently than we do today.

Texans often quip that they are “the buckle in the Bible Belt,” reflecting a strong Christian presence in the state. While most Texans might generally fall under the label “Christian,” the more specific practices encompassed by that broad category are quite diverse. A 2020 poll found that evangelical Protestants (23.5 percent), Catholics (20.3 percent) and mainline Protestants (4.5 percent) make up the largest religious categories in the state (Figure 1.2).<sup>40</sup> Note that mainline Protestants include groups like the United Methodist Church, Episcopal Church in American, Evangelical Lutheran Church in America, and Presbyterian Church (USA), while evangelical Protestants include the Assembly of God, Southern Baptist, United Pentecostal, and the Church of Christ congregations. Other groups include the Black Protestants (2.3 percent), Latter Day Saints (1.2 percent), Jehovah's Witnesses (1.1 percent), and Muslim / Islam (1.1 percent) faiths. Collectively, adherents to any religion account for 55.1 percent of Texas's population. The remaining approximately 45 percent consist of agnostics, atheists, and nonaffiliated. This latter category includes people who identify as religious but avoid organized religion or who identify as spiritual but not necessarily religious. Nationally and in Texas, this group is the fastest growing, especially among younger people. While evangelical Protestants have declined somewhat, the larger drop has been in mainline Protestantism.<sup>41</sup>

**FIGURE 1.2** ■ Religious Affiliation in Texas, 1990–2020



Source: Based on data from The Association of Religious Data Archives, “Religious Traditions (1980–2020), Percent of Population: Texas,” 2020, <https://www.thearda.com/us-religion/census/congregational-membership?y=2020&y2=0&t=1&c=48>.

The state's economy is as diverse as its people. The state still has more farms and ranches (241,500 averaging 537 acres) than any other state,<sup>42</sup> but Texans today are engaged in providing virtually every kind of product and service (see Table 1.2). Educational services and health care

**TABLE 1.2 ■ Texas Civilian-Employed Population, Sixteen Years and Older**

Industry	Number Employed	Percentage of Employed
Agriculture, forestry, fishing and hunting, mining	320,643	2.2
Construction	1,267,996	8.7
Manufacturing	1,224,272	8.4
Wholesale trade	349,792	2.4
Retail trade	1,690,661	11.6
Transportation and warehousing, utilities	991,077	6.8
Information	233,195	1.6
Finance and insurance; real estate, rental, and leasing	1,034,801	7.1
Professional, scientific, and management; administrative and waste management services	1,880,132	12.9
Educational services; health care and social assistance	3,075,255	21.1
Arts, entertainment, and recreation; accommodation and food services	1,209,697	8.3
Other services, except public administration	699,584	4.8
Public administration	582,987	4.0
	14,574,668	

Source: U.S. Census Bureau, "2022 American Community Survey 1-Year Estimates Subject Tables," accessed May 19, 2024, <https://data.census.gov/table?q=Civilian%20Population&g=040XX00US48>.

are the biggest industries, while agriculture, despite the image, is one of the smallest, with fewer people working in agriculture than in public administration.

The Texas economy is massive and still growing. In 2023, the state's economy was estimated to have produced approximately \$2.6 trillion in gross state product (GSP). If Texas were a country, its economy would be one of the largest in the world, just behind France and ahead of Russia and Canada (see Table 1.3).

The state's rural nature has also been transformed, and today, about 80 percent of Texans live in 1,210 cities or suburbs. Between 2010 and 2020, rural Texas shrank; at the same time, about 88 percent of Texas's population gain occurred in the region between Houston, Austin, and Dallas–Fort Worth, known as the Texas Triangle.<sup>43</sup> While Texas is often defined by its open spaces, many Texans spend much of their day stuck in traffic. According to the Census Bureau, the average working Texan spends 26.6 minutes every day getting to and from work.<sup>44</sup> As more people move to Texas, the demand for roads and mass transit systems will only increase, presenting new challenges for local governments as well as the state.

Even as Texas grapples with challenges within its borders arising from its diverse, growing population and expansive economy, it also must deal with competition from overseas. While

**TABLE 1.3 ■ Top Fifteen Economies by GDP and GSP, 2023**

Rank	Country	2023 GDP in Trillions
1	United States*	25.4
2	China	17.9
	The European Union***	16.2
3	Japan	4.3
4	Germany	4.1
	California**	.39
5	India	3.4
6	United Kingdom	3.0
7	France	2.8
	Texas**	2.6
8	Russia	2.2
	New York**	2.2
9	Canada	2.1
10	Italy	2.0
11	Brazil	1.9
12	Australia	1.7
13	South Korea	1.6
	Florida**	1.6
14	Mexico	1.5
15	Spain	1.4

Sources: Compiled from data from the Bureau of Economic Analysis, "Table 1: Gross Domestic Product by State and Region: Level and Percent Change from Preceding Period," <https://www.bea.gov/data/gdp/gdp-state>, accessed May 19, 2024; World Bank, "Data Catalog: GDP Ranking," <https://datacatalog.worldbank.org/search/dataset/0038130>, accessed May 19, 2024.

Notes: \*Includes all states.

\*\*Calculated as if an independent country.

\*\*\*Calculated from all 27 EU member states, including those countries in the table.

Texans have always relished their independence, the state today must work to ensure its place in a growing global economy. Even farmers must look overseas as they attempt to cultivate foreign markets for their products while warding off foreign competitors.

While the wealthy Texas oil baron or cattle rancher is a familiar image in movies and television, Texans fall below the national average on many measures of wealth. Compared to the national average, in 2023 Texans have a lower per capita income (\$37,514 vs. \$41,261), a higher poverty rate (14.0 percent vs. 11.5 percent of all Americans), and a lower rate of home

ownership (62.4 percent vs. 64.8 percent). Texans are less likely to graduate high school (85.2 percent vs. 89.1 percent) and more likely not to have health insurance (18.9 percent vs. 9.3 percent) than the national average. While Texas may be a land of great wealth, it is also a land of great need.<sup>45</sup>

Thus, the state with a constitution that was authored in the nineteenth century by isolated farmers who formed the Grange to connect with other farmers has become a booming high-tech center with citizens connected to each other and to the wider world through an amazing range of social media. Visitors arriving in the Texas capital will not find lonely cowboys astride horses on the open plains; instead, they will encounter computer engineers and game programmers checking social networks on their smartphones while stuck in traffic.

## WINNERS AND LOSERS

1.7 Discuss how Texas's identity is shaped by immigration.

Certainly one of the most significant forces of change that has shaped Texas's past, present, and future is immigration. Texas is a state defined by its ever-changing immigrant population. If we are to understand Texas's past and try to prepare Texas for the future, no immigrant population is more integral to the state than the Hispanic population. As the historical overview in this chapter makes clear, Tejanos in early Texas were central to its development. As Anglos came to dominate the state, historical revisionists overlooked early cooperation between Anglos and Tejanos, emphasizing and often exaggerating the tensions between the two groups. Just as many Tejanos were driven out of Texas after the revolution against Mexico, their contributions to the war on both sides of the conflict were driven from the pages of Texas history. At some point, the Mexican flag failed to appear in the Alamo's "Hall of Honor" that commemorates the country of birth of the Alamo's defenders, allowing Texans to forget that nine of the eleven defenders of the Alamo born in the Mexican territory of Texas had Hispanic origins. Juan Nepomuceno Seguín, who neither wrote nor spoke English, was a close friend of Stephen F. Austin's and helped drive Mexican forces from San Antonio before slipping out of the Alamo to seek reinforcements. Later, Seguín joined Sam Houston's army at the decisive battle of San Jacinto. As one historian put it, "Remember the Alamo' became a formula for forgetfulness."<sup>46</sup> A rapidly anglicizing Texas replaced the legend of heroic Tejanos with a legend that emphasized dictatorial Mexican rulers seeking the expulsion of the Anglos.

The Tejano population of Texas declined from the time of the revolution until a repressive regime in Mexico, coupled with decades of revolution within that country, created a new wave of immigrants. This tripled the Mexican population in Texas from 1900 to 1920. While these immigrants played an important role in cotton production, they were often not welcome and took their place somewhere between Anglos and African Americans, unaccepted in either community. Techniques such as "white primaries," which were used to exclude African Americans from voting, were eventually also employed against Tejanos. As the state continued to change and immigrants continued to move into Texas, Hispanics were marginalized in the political process as well as in the history books.

## TEXAS VERSUS VERMONT

A comparison of Texas and Vermont illustrates the diversity of states within the United States. Vermont, a northeastern state, got its start when Ethan Allen and the Green Mountain Boys rebelled against attempts by New York and New Hampshire to exert control over the region after the American Revolution. On January 15, 1777, the independent Republic of New Connecticut was declared; later, the name was changed to the Republic of Vermont. Vermont sent ambassadors to France, the Netherlands, and the United States. In 1791, Vermont entered the United States as the fourteenth state to balance the admission of slaveholding Kentucky as the fifteenth state.

While both Texas and Vermont share a history of independence before joining the United States, the similarity ends there. Geographically, Vermont is quite small at 9,250 square miles. Vermont's size is smaller than the combined area of the two largest Texas counties (Brewster and Pecos Counties in West Texas, together totaling 10,957 square miles). Vermont's landscape is dominated by the Green Mountains, abundant forests, and plentiful rivers and streams. As the second-largest state by area, Texas covers a vast territory that varies tremendously in land formations, water resources, and natural resources.

The demographics of the two states are also strikingly different. Settled by the English and some French colonists from nearby Quebec, Vermont remains among the most homogeneous states in the United States. In 2021, Vermont held the distinction of being one of the "whitest" states in the United States, with over 92 percent of its residents describing themselves as white and not of Hispanic origin; Texas, in contrast, was among the most racially and ethnically diverse states, with the largest group, Anglos, constituting only 40.3 percent of the population.

Vermont also consistently ranks as one of the smallest states in population. In 1850, the first census in which Texas participated, Vermont had a slightly larger population than Texas. Immigration over the following decade saw Texas surpass Vermont in population by the 1860 census, at which point Texas already had over 600,000 residents. It would take Vermont 140 years to reach that level of population, and the population today is about 643,077.

Large cities are found throughout Texas; three of the nation's ten largest cities are located in Texas. Vermont's largest city, Burlington (44,781 in 2021), is so small that it would rank seventy-fifth in city size in Texas. Even the images of the two states generate contrasts. Texas is the land of open plains, oil wells, cattle, gunslinging cowboys, and big-time football. Vermont is the land of maple syrup, ice cream, fall foliage, and quaint towns.

**Texas versus Vermont: Ethnic Makeup in 2023**

Population Group	Texas	Vermont
White alone, not of Hispanic origin	39.8%	91.9%
Hispanic / Latino	40.2%	2.3%
African American	13.4%	1.5%
Asian American	5.7%	2.1%

Source: U.S. Census Bureau, "Quick Facts: Texas and Vermont," 2023, <https://www.census.gov/quickfacts/fact/table/TX,VT,US/PST045221>.

Obviously, to govern a diverse population spread over a vast geographic area with extensive mineral wealth, Texas requires a fundamentally different approach than Vermont. In many instances, Texas politics is vastly different in practice than Vermont's political system. However, these differences may not be exactly what we expect.

Is your community more like typical Texas or Vermont? **Critical Thinking**  
 What are the advantages and disadvantages of a diverse state like Texas? **Social Responsibility**

One of the enduring legends of early Texas history is how Anglo order and hard work saved the state from Mexican chaos. According to this view, it was immigrants from the United States who, in the words of one public school textbook from the 1880s, “changed Texas from a wilderness into a civilized state: Mexico had nothing but fear and hatred.”<sup>47</sup> Like other legacies, this historical “truth” ignores some aspects of history and exaggerates others. So far, Hispanics have been the losers in the formation of historical legend.

By 1930, the Tejano population of Texas had begun to rise with the rest of the population, reaching almost 684,000. Reflecting the return of Tejanos to Texas politics, the League of United Latin American Citizens (LULAC) was formed in Corpus Christi in 1929. LULAC quickly became a major factor in Texas politics. In 1956, Henry B. González became the first Tejano in over half a century to hold a seat in the Texas Senate. During the 1957 legislative session, González set the record for a filibuster in the Texas Senate as he fought laws backing segregation in Texas public schools. In 1961, González broke ground again by winning a seat in the U.S. House of Representatives. By that time, half a dozen Tejanos were serving in the Texas Legislature, and a Tejano was serving as mayor of El Paso. Tejanos won their first statewide office when Dan Morales was elected attorney general in 1990. Hispanics are both the largest and fastest-growing group in the state and today hold a variety of offices. In 2009, Eva Guzman became the first Hispanic woman to serve on the Texas Supreme Court when Governor Rick Perry appointed her to fill a vacancy. Tejanos are increasingly successful in organizing and exerting political pressure in Texas. As the Hispanic population continues to increase and organize its interests within the state, Hispanics are in a position to be the winners in a future Texas.

Today, Texas is again dealing with immigrants whose numbers are increasing so rapidly that they form a majority in some parts of the state. The struggle to deal with this change is part of what defines Texas as a state. As we will see throughout this text, legends tend to be static and are often at odds with the changing nature of the state. The myth that Texas’s story is a primarily Anglo one ignores others’ contributions. What’s more, the myth of Anglo primacy remains the dominant legend in Texas’s history books. Throughout the rest of the book, we will continue to explore this tension between legend and change.

## CONCLUSION

Today’s Texas is an enigma. Texans cling to the idea of wide-open plains and the rugged individualism of the Texas cowboy. The Texas economy competes on a global stage, as likely to deal in computers and aerospace as oil or Texas beef. Texas remains a frontier state and the population continues to grow and diversify, reinventing Texas along the way. Texas’s frontier experience and individualism is reflected in how we set up government and what we get out of government. Our distrust of government manifests itself in the state’s constitution, criminal justice system, and public policy. As you read the following chapters in the book, you may find yourself coming back to our political culture and the never-ending frontier that is Texas.

### KEY TERMS

Adelsverein society	political culture
democracy	politics
empresario	presidential republicanism
government	traditionalistic political culture
individualistic political culture	Treaty of Guadalupe Hidalgo
moralistic political culture	

### DISCUSSION STARTERS

- What does the size of the state's economy tell us about its politics? **Critical Thinking**
- What are other ways of looking at the size and scope of the Texas economy? **Empirical and Quantitative**
- How accurate should our Texas legends be? **Critical Thinking**
- How will changes to the population and economy shape Texas state government in the future? **Critical Thinking**

### ACTIVE LEARNING

- Create a short brochure that introduces someone who's never been to Texas to the cultural and historical ideas that define the state. Think of the brochure as something that might be distributed at a visitors center at the state border. **Communication**
- Either as an entire class or in smaller groups, generate a list of characteristics that define Texas and that also distinguish Texans from other Americans. **Teamwork**



# 2

## TEXAS CONSTITUTIONS

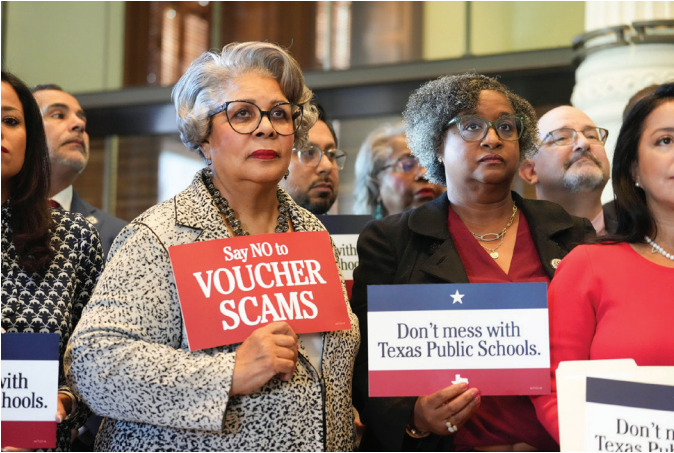
### LEARNING OBJECTIVES

- 2.1 Describe the purpose of a constitution.
- 2.2 Define *federalism* and discuss the difficulties in sharing power between levels of government.
- 2.3 Identify Spanish and Mexican influences on the current constitution.
- 2.4 Discuss the principles embodied in the current constitution.
- 2.5 Evaluate problems with the current Texas Constitution.
- 2.6 Analyze the extent to which the current Texas constitution is consistent with Texan values.

Governor Abbott spent considerable political capital and money in his push to get vouchers passed in the 88th legislative session. For Abbott, vouchers give parents the choice of where to send their kids to school. Voucher opponents worry about pulling money away from public education. As we saw in the intro to Chapter 1, the concern about public education funding is more pronounced in rural Texas, where resources and choices are scarce. In this chapter, we consider the constitutionality of vouchers.

When Texas broke from Mexico and created its own government, one of the lasting legacies in Texas constitutions resulted from Mexico having an official state religion. Every Texas constitution since then has adopted surprisingly strict language about the need to keep religion out of government and government out of religion. The current constitution, for example, states, “No money shall be appropriated, or drawn from the Treasury for the benefit of any sect, or religious society, theological or religious seminary; nor shall property belonging to the State be appropriated for any such purposes” (art. 1, sec. 7). Governor Abbott’s recent push for school vouchers in Texas would create educational savings accounts for students in Texas. Those accounts could be used to send a child to a private school, including religious schools, instead of going to public schools. Texas’s constitutional provision is notable in that the language specifies both religion and “any sect.” Attorney General Ken Paxton has argued that the language in the Texas Constitution is unconstitutional since the U.S. Constitution says the free exercise clause would prohibit excluding religious schools in particular.<sup>1</sup>

A second constitutional question centers on the requirement in the Texas Constitution that the state support and maintain an efficient system of free public schools. As the population of Texas continues to swell, absolute dollars in education have increased. However, the per-student allotment to each school has decreased significantly, especially when controlling for inflation.<sup>2</sup> Perhaps the loudest criticism of vouchers is that it will divert funding out of already underfunded



The Texas Legislature at the start of the third special session on school vouchers.

Bob Daemmrich / Alamy Stock Photo

schools. The push for vouchers came in a year when the legislature had a historic windfall to spend. But Texans worry that budgets will tighten again, and soon, the legislature will be cutting spending again.

Texans continue to identify with independent cowboys who resent the government intruding into their lives, even as Texas also embodies a modern state. Texas fundamental law and identity will continue to struggle to reflect both the tradition of the cowboy and the constantly changing state. This chapter explores the constitutional arrangement of federalism and the development of the Texas Constitution more generally. We will first identify the purpose of a constitution, paying particular attention to the federalist structure of the national government and how Texas fits into

that structure. We will then consider how the Texas Constitution has evolved over time, reflecting our rich history and culture. Next, we examine the principles and institutions embodied in the current Texas constitution. Finally, we discuss the problems of the current constitution and examine the prospects for constitutional reform.

## CONSTITUTIONAL GOVERNMENT

### 2.1 Describe the purpose of a constitution.

Mexico won its independence in 1821, and Texas became part of the State of Coahuila and Tejas under Mexico's 1824 constitution. Although Mexico needed immigrants to populate the frontier, it soon worried about the foreigners especially in East Texas outnumbering Mexicans. Within a few years, Mexico's president Santa Anna dissolved both the national Congress and state legislatures and suspended the 1824 constitution. Texans, worried about the abuse of executive power, declared independence from Mexico. The Texas Declaration of Independence cited a range of complaints, including the absence of a trial by jury, the lack of a public education system, and the denial of a right to worship according to the dictates of one's own conscience. The Texas Declaration focused on the oppression under General Santa Anna, "who having overturned the constitution of his country, now offers us the cruel alternative, either to abandon our homes, acquired by so many privations, or submit to the most intolerable of all tyranny, the combined despotism of the sword and the priesthood." With the war for independence raging, Texans met in 1836 to write a constitution creating an independent republic.

A **constitution** outlines the powers of government and specifies limitations on those powers. The ideal constitution is a brief and flexible document that broadly defines what the government can and cannot do. The government, in turn, works within the boundaries of the constitution as it goes about day-to-day operations. The legislature, for example, must pass laws that do not violate the basic principles outlined in the constitution. The more fundamental the constitution's provisions, the less likely the need for it to be updated over time. Ideally, a constitution should protect individual rights while being flexible enough to remain relevant as society changes. Our

country's founders believed that a constitutional government was necessary to prevent tyranny. James Madison wrote in *Federalist* No. 51,

If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself.

To protect against future tyranny, the Texas Constitution borrowed heavily from the U.S. Constitution. The Texas Constitution created several checks on tyranny by empowering different levels of government (localism), dividing power among different branches of government (separation of powers), and creating a government based on the will of the people (popular sovereignty).

## THE FEDERAL SYSTEM OF THE UNITED STATES

**2.2** Define *federalism* and discuss the difficulties in sharing power between levels of government.

One of the central questions a constitution resolves is where to put the power. Most governments in the world today vest power in the central government, called a **unitary system**. In a unitary system, lower units of government have only the power that is granted to them by the central government. Today, about 75 percent of governments are unitary, making this the most prevalent type of government in the world. Colonial America was an example of a unitary government. The colonies had relatively little influence on decisions made by the central government in London. One way America's Founding Fathers attempted to prevent tyranny was by rejecting a unitary system.

The United States' first constitution, the Articles of Confederation, created a "firm league of friendship" in which the states enjoyed decision-making authority. A **confederal system** puts power in the lower units of government. Within a few years, the confederacy proved impotent and struggled to quell an uprising by a relatively small group of farmers or pay soldiers of the American revolution. When Southern states attempted to leave the U.S. in the 1860s, they also created a short-lived confederacy. A modern-day example of a confederacy is the United Nations (UN), which has only the powers that are expressly granted to it by its member countries. UN member countries can participate in various treaties, choose to opt out of other treaties, and withdraw from the UN at any time. Today's UN, often referred to as inefficient and ineffective, endures the same criticisms as the Articles of Confederation.

The American founders, having experienced both a unitary and confederal government, created a new form of government known as **federalism**, in which power is shared between the national and state governments. Dividing power among levels of government prevents the national government from imposing one-size-fits-all standards that may not make sense for a particular state or region. On the one hand, federalism allows states to experiment with new policies and permits flexibility as states pass laws that represent their distinct political cultures and preferences. On the other hand, federalism is a more expensive and messy form of government since different levels of government create policy for the same issue areas. The founders

believed that preventing tyranny was more important than the inefficiency that multiple levels of government create. Moreover, national intervention is often necessary to prevent majority rule from overwhelming minority rights. Historically, most minority rights have been realized only after national intervention.

Sharing power between levels of government is easier said than done. The U.S. Constitution specifically grants the national government exclusive authority over coining money, establishing a navy, declaring war, and regulating interstate commerce, among other things. Many of those **enumerated powers** are listed in Article 1, Section 8 of the U.S. Constitution. In 1819, the Supreme Court ruled in *McCulloch v. Maryland* that the “necessary and proper clause” of the U.S. Constitution created **implied powers**. Thus, in addition to those powers specified in the Constitution, the national government was given broad discretionary powers to enact any law necessary and proper to carry out its enumerated powers. The U.S. Constitution also identifies explicit roles for the states, including conducting elections, selecting electors to the Electoral College, establishing voter qualifications, and approving constitutional amendments. Moreover, Article 1, Section 10 of the U.S. Constitution explicitly prohibits states from entering into treaties, coining money, or granting letters of marque or titles of nobility, among other things. Other powers, such as the power to tax and spend, to establish courts, or to charter banks, are **concurrent powers** shared by the national and state governments.

### Vertical Federalism

Although the founders generally believed that dividing powers among levels of government would be beneficial, the exact division of power within our federal system is unclear. **Vertical federalism**, or the distribution of power between the national government and the state governments, has been highly contested for much of our history. The difficulty in describing the federal nature of the U.S. government is best exemplified by juxtaposing the supremacy clause and the reserved powers clause of the U.S. Constitution. The **supremacy clause** guarantees that the national government is the supreme law of the land. Thus, the U.S. Constitution and laws created by the national Congress supersede state laws and state constitutions. States can make laws within their territory as long as those laws do not conflict with national laws or the U.S. Constitution. The Tenth Amendment, or **reserved powers** clause, however, declares that “the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.” This provision suggests powers not expressly written in the U.S. Constitution are reserved for the state governments. These two constitutional clauses have generated opposing views of the division of powers between the national government and the state governments.

### Horizontal Federalism

The U.S. Constitution also includes provisions designed to regulate **horizontal federalism**, or the relations among states. The U.S. Constitution specified certain state obligations to other states, in part to create a sense of national unity among the states. For instance, a state is required to grant the same **privileges and immunities** to citizens of other states as it grants to its own citizens. This provision means that Texas law may not treat people visiting from Louisiana, for example, fundamentally differently than its own citizens. The privileges and immunities clause facilitates travel between states and discourages discrimination against citizens of other states. Exceptions to the privileges and immunities clause have been recognized in two cases.<sup>3</sup> First, states may deny the right to vote to nonresidents. Thus, the laws of one state cannot be unduly

influenced by citizens from neighboring states. In addition, states may distinguish between residents and nonresidents in the distribution of certain state-subsidized benefits, such as in-state tuition rates or government assistance programs. This exception has been deemed reasonable since otherwise “individuals could benefit from subsidies without being subject to the taxes that pay the subsidies.”<sup>4</sup> The **full faith and credit clause** creates an additional obligation between states. States are required to recognize the acts, records, and judicial decisions of other states. This means that court judgments or legal contracts from one state will be honored by all other states. Thus, debt or child support payments cannot be avoided by moving to another state. Finally, the U.S. Constitution requires that states deliver someone suspected or convicted of a crime in another state back to the state where the crime is alleged to have occurred so the accused can face trial and sentencing. This process, known as **extradition**, was designed to keep criminals from escaping justice by moving from state to state.





### The Evolving Idea of Federalism

It is clear that America’s founders sought to produce a system of government in which powers are shared between two levels of government. It is considerably less clear exactly what that distribution of power was supposed to look like. The supremacy clause and the Tenth Amendment create competing views on how much power the national government should have. Those who focus on the supremacy clause view the national government as more powerful, whereas those who focus on the Tenth Amendment view the national government’s power as extremely limited. The resulting tension led to a theory of **dual federalism**, in which state powers and federal powers were separate and distinct. In practice, dual federalism meant the national government stayed out of policy areas viewed as the state’s domain. The nature of federalism changed during the Great Depression. Texas farmers were somewhat insulated from the early years of the Depression. Initially, Texans viewed the Depression as a problem for people in New York who gambled in the stock market. Before long, however, Texans were unable to deny the impact of the Great Depression. In the next four presidential elections, more than 80 percent of Texans voted for Roosevelt and his New Deal policies. As a result of the Great Depression, the federal government developed policies in areas traditionally left to state governments, called **cooperative federalism**.

The shift to cooperative federalism removed the barrier between federal and state policy areas. The national government’s newly created programs (e.g., Public Works Administration, Civilian Conservation Corps, Workers Progress Administration, National Youth Administration) put Texans to work. The Great Depression affected how much federal government Texans were willing to live with, if only temporarily. The change was accompanied by a significant increase in national resources with the creation of a national income tax in 1913. Since that time, Congress has used its financial might to create policy change in areas that had previously been managed by state governments. Use of financial incentives to encourage policies at the state or local level is referred to as **fiscal federalism**. Initially, the national government awarded categorical grants to state and local governments to encourage policy change. A **categorical grant** is money given to state and local governments that must be spent for specific activities. When the national government specifies how the money is to be spent, it can, in essence, set national policy goals in traditionally state-controlled policy areas. States historically enjoyed policy control over issues such as police power, marriage, education, and election laws. Yet in the last half century, the national government passed laws mandating education and election standards, while Supreme Court decisions have created national criteria for policing and same-sex marriage.

# HOW TEXAS GOVERNMENT WORKS

## The Federal System

	Legislature	Executive	Judiciary
<b>National Government</b>			
	U.S. Senate U.S. House of Representatives	President	U.S. Supreme Court Federal Circuit Courts Federal District Courts
<b>State Government</b>			
	Texas Senate Texas House of Representatives	Governor Lieutenant Governor Agriculture Commissioner Attorney General Comptroller Land Commissioner Secretary of State	Supreme Court of Texas Texas Court of Criminal Appeals Texas Appellate Courts Texas District Courts
<b>County Government</b>			
	County Commissioner's Court		Constitutional County Courts Statutory County Courts Statutory Probate Courts Justice of the Peace Courts
<b>City or Municipality Government</b>			
	City Council	Mayor City Manager	Municipal Courts

Cooperative federalism eventually generated a backlash, in which proponents of state power advocated **devolution**, or the idea that power should be returned to the states. In response to this, Republican administrations favored converting categorical grants to **block grants** as a way to return policy control to the states. A block grant is money given to state and local governments for a broader purpose with fewer restrictions on how the states can spend the money. In the 1970s, President Richard Nixon reorganized existing categorical grants into block grants as a way to return power to the states.

Medicaid illustrates the national government's use of categorical grants to encourage policy goals. Medicaid was established to provide health care to the children of low-income families, the elderly, and individuals with disabilities, among others. As long as a state meets the guidelines set by the national government, it receives national funds that supplement state funds to cover the cost of the program. In 2022, Texas received about \$68 in federal matching funds for every \$32 it spent on Medicaid in the state.<sup>5</sup> Republicans have advocated for the national government to convert Medicaid into a block grant. This would continue the flow of money from the national government to the state without the current federal requirements. Proponents argue that it would give states more flexibility as to how to spend the money and that the state governments could save money. Opponents worry that removing the requirements attached to Medicaid dollars would allow states to discontinue covering certain groups or medical services. While block grants are a popular means of reviving state power, they have been politically difficult to achieve. Members of Congress prefer to allocate money attached to specific policies, making it easier for them to take credit for the resulting goods provided to their home states.

Health care policy continues to be a battleground between states and the national government. In 2010, Congress passed the Affordable Care Act (ACA), which expanded Medicaid and subsidized health insurance for Americans in need. The ACA encouraged states to expand Medicaid by guaranteeing to reimburse states for the cost of the expansion. Although many of the provisions of the ACA remain popular, including coverage for preexisting conditions and the ability to keep kids on a parent's health care plan until they turn 26, the federal government coercing states into participating rankled most Texans. Texas is one of a handful of states that opted out of the Medicaid expansion. Then-governor Rick Perry released a statement that promised "Texas leaders will continue to do everything in our power to fight this federal excess and find ways to protect our families, taxpayers and medical providers from this gross federal overreach."<sup>6</sup> From the beginning of the battle over the ACA, Perry described the bill as an encroachment on states' rights and "the largest unfunded mandate in American history."<sup>7</sup> Still, Texas leads the country in the number of uninsured people, and Texans value health care. The health care debate illuminates the tension between the long-standing distrust of the federal government and the growing desire for better health care. A 2020 poll shows 46 percent of Texans favor the current health care system and 41 percent favor some form of national health care.<sup>8</sup>

Congress sometimes passes a law that requires state or local governments to implement policy without providing funding. An **unfunded mandate** occurs when the national government passes legislation that imposes requirements on state and local governments that then bear the cost of meeting those requirements. Examples include requirements that all states, including Texas, ensure equal access to public facilities for disabled persons, guarantee civil rights, provide public assistance for single parents, and enforce clean air standards.<sup>9</sup> In each of these cases, the states and local governments must pay to meet guidelines imposed on them by the national government.

## FEDERALISM IN ACTION

### PREEMPTION AND THE DEATH STAR

One of the most consistent Texas values is the preference for local control. Texas localism dates back to Stephen F. Austin's resentment of Santa Anna's centralization of power in Mexico. Until recently, the preference for local control seemed unshakable in Texas politics.

As governor, Rick Perry railed against federal encroachment while speaking fondly of local control. According to Perry, “The very essence of America stems from a limited, decentralized government. When we empower Washington at the expense of local control, we rip apart the concept of civic virtue by removing the ability of the citizens to govern themselves.”<sup>i</sup> Texas Republicans and Democrats alike have long valued the idea of localism.

Recently, Governor Abbott parted ways with the long-held view of localism, instead pushing to centralize power at the state level. Abbott was not in the governor’s mansion long before he warned about the threat of a United States of Municipalities and called for an overarching preemption law. He argued that a patchwork of local regulations could hamper economic growth. In the 88th legislative session, Abbott scored a major victory, the Texas Regulatory Consistency Act. The new law is designed to streamline regulations.

Opponents named the law the Death Star Law, arguing that it annihilates local control. The law gives state lawmakers, for the first time in Texas history, exclusive authority over activities related to agriculture, business and commerce, finance, insurance, labor, local government, natural resources, occupations, and property.<sup>ii</sup> The comprehensive nature of the law has drawn criticism from both sides of the aisle. Leaders from Arlington, Denton, Plano, and Waco wrote a letter opposing the new law. The City of Houston, along with San Antonio and El Paso, sued the state, arguing that the new law was unconstitutional. Specifically, the home-rule provisions of the Texas Constitution are “mini-Tenth Amendments designed to cordon off local matters from state intervention” and the law “would effectively repeal Texas constitutional home rule, impermissibly expand the scope of state preemption of local law, and improperly shift the burden of disproving preemption to cities.”<sup>iii</sup>

A Travis County judge ruled the law unconstitutional. The state is currently appealing to the Texas Supreme Court. In the meantime, Texas cities worry about the far-reaching consequences of the law. Plano, Texas, is known in part for being home to corporations such as Toyota North America and Frito-Lay, as well as home to regional headquarters for JPMorganChase, Ericsson, and Bank of America. However, the mayor of Plano, Republican John Muns, worries that the Death Star bill might threaten Plano’s economic success. According to Muns, “Corporations are happy here. I have never heard anything with regard to the business community being concerned about the city restricting their ability to be successful.”<sup>iv</sup>

What are the advantages and disadvantages of keeping power in local governments?

### **Social Responsibility**

Is centralizing power at the state level fundamentally different than centralizing power at the national level? **Critical Thinking**

<sup>i</sup> Rick Perry, *Fed Up* (New York: Little, Brown, 2010), 23–33.

<sup>ii</sup> Michael Hardy, “Republican and Democratic Cities Band Together to Blow Up the Death Star Bill,” *Texas Monthly*, September 1, 2023, <https://www.texasmonthly.com/news-politics/republican-and-democratic-cities-band-together-to-blow-up-the-death-star-bill/>.

<sup>iii</sup> The City of Houston v. The State of Texas, City of Houston’s original petition for declaratory judgement (NO. D-1-GN-23-003474, suing to block HB 2127 88th R.S., “death star” bill preempting local control) Travis County District Court for the 345th District, July 3, 2023, <https://lrl.texas.gov/scanned/archive/2023/51784.pdf>.

<sup>iv</sup> Hardy, “Republican and Democratic Cities.”

Today, the United States continues to grapple with exactly which powers belong to the national government and which should be reserved for the states. The push for respecting differing state preferences competes with the pull for the efficiency and uniformity offered by national policy. Proponents of a federal system that vests more power in the national



government point to issues such as slavery and civil rights that did not improve until the national government intervened. On the other hand, Texans prefer to be masters of their own destiny, which has historically meant a preference for more local control. Negotiating these competing views continues to be a source of conflict within the United States—one that is not easily resolved. There remains a very real trade-off between respect for minority rights, which historically required national intervention, and respect for cultural preferences that might create a wide variance among state laws. For its part, Texas continues to fight the national government for the right to do as it pleases. Sometimes that fight is to simply ignore a federal mandate; often, that fight is played out in the federal courts. Even when Texas loses a battle, it often leaves its preferred policy on the books as a form of passive protest. Note, for instance, that Texas has not removed language from the constitution requiring public officials to believe in a “Supreme Being,” nor has it removed the amendment defining marriage as only between a man and a woman. Similarly, a law outlawing sodomy, overturned by the U.S. Supreme Court in 2003, remains on the books in Texas.

### State–Local Power

Our discussion of federalism has focused on the division of power between the national government and state governments. In Texas today, there is also a struggle for power between the state government and local governments. A variation of federalism is localism, or the preference for government at the level closest to the people. Frontier Texans didn’t have much government to rely on and viewed government policies as more hindrance than help. If Texas needed government, they preferred local empresarios to the central government in Mexico. When the current constitution was written, Texans believed that government was best in the hands of the people; short of that, they favored local government. The relationship between Texas state government and local governments is defined by both the U.S. government and the Texas constitution. The U.S. Supreme Court upheld Dillon’s Rule in 1907, which decrees that all local governments are creations of state governments and have only those powers granted to them by the state. This suggests a unitary relationship between state and local governments; city and county governments have only the power granted to them by their states. Texas local governments have decision-making authority to the extent that the state permits it. The federal government recognizes no independent authority below state governments. The Texas constitution reflects a clear preference for local control in Article 1, Section 1, which states that “Texas is a free and independent State, subject only to the Constitution of the United States, and the maintenance of our free institutions and the perpetuity of the Union depend upon the preservation of the right of local self-government, unimpaired to all the States.” Moreover, Article 3, Section 56 of the current constitution prohibits the state legislature from “regulating the affairs of counties, cities, towns, wards or school districts.” In 1912, Texas further clarified this relationship when it amended its constitution to allow larger cities to be designated home rule cities. *Home rule cities* are given greater latitude to decide how their government is set up and to pass local ordinances (see full discussion of local governments in Chapter 11). According to the Texas municipal code, home rule cities have the full power of local self-government (Sec. 51.072). That amendment included language that home rule cities could not pass any ordinances that were not consistent with the state constitution and with laws passed by the legislature.

Over time, the trend has been for the national government to encroach on state power; similarly, Texas state government has infringed on local control. State officials have been

walking the precarious tightrope of telling the national government to stay out of Texans' lives while simultaneously becoming more willing to override local decisions. This fundamental change has occurred quietly—and swiftly—in almost all areas of policy. As governor, Abbott has moved to consolidate power in the state and invalidate local regulations. The Texas Legislature has also begun to centralize a wide range of policies that once were left to local governments. In recent legislative sessions, the state government has overturned local laws on everything from tree removal to ride-sharing to minimum wage. Lieutenant Governor Dan Patrick has spent much of his time trying to pass a bill that would override local school board policies on transgender bathrooms. In one of the clearest expressions of local preferences, Denton citizens voted to ban fracking within city limits in 2014. Other cities also adopted various ordinances limiting fracking. When the state's legislature met the following year, it passed a law that prohibited local governments from banning fracking. The argument that Texans know what is best for themselves also took a sharp turn. In 2017, Governor Abbott began to call for a statewide law that preempts all local regulations, arguing that a patchwork of local ordinances will make it more difficult for Texas to attract businesses. The 88th legislature passed a sweeping preemption law, the Death Star law (see Federalism in Action).

The move to centralize power at the state level has drawn criticism from local officials and longtime Republicans. Then-Texas House Speaker Joe Straus noted, "I don't think a blanket policy on exerting power from Austin over locals is a particularly attractive idea."<sup>10</sup> A more pointed objection was made by the Texas Municipal League, which suggested that "74 percent of Texans live in our 1,215 towns and cities, and the decisions they have made at the local level have put Texas cities at the top of the nation in success. Stifling their voices through an all-powerful, overreaching state government is a recipe for disaster."<sup>11</sup>

In addition, city and county governments face a significant burden of unfunded mandates, from both the state and national government. A good deal of unfunded mandates relate to criminal justice. For example, the 2001 Fair Defense Act specifies standards for the provision of indigent defense in Texas. The cost for indigent defense in 2019 was approximately \$300 million, with states paying only \$28.5 million of that.<sup>12</sup> In addition, county governments are often left holding inmates for state prisons up to 45 days after the transfer paperwork has been completed. This cost Texas counties an additional \$105.7 million in 2020.<sup>13</sup> Counties are also left with the bill for a wide range of election-related expenses (e.g., a special elections called by the governor). The cost of special elections varies greatly from year to year; in 2020, counties spent \$3.2 million on special elections.<sup>14</sup> School districts also bear the cost of mandates related to issues such as testing, accessibility, and safety. The 88th legislature passed a new school safety law that, among other things, requires every campus to employ a peace officer.

How power is distributed between levels of government has real implications for how we are governed and how we live. The tension between state policy and local control again came to a head as Texas grappled with how best to respond to COVID-19. The governor's stay-at-home order was met with backlash in some cities and viewed as inadequate in others. The governor initially wavered between a state response and allowing local governments to craft their own responses, leaving citizens to wonder who was in charge. Texans have long believed that they don't need government to tell them what is best. One of the most fundamental questions about government arrangements is where power is vested. The preference for local rule balanced against the efficiency of state power dominates current debates in both the state legislature and the governor's mansion.



women, including the right to enter into contracts, hold property, the right to half of all property accumulated during a marriage, and the right to manage their own financial affairs.<sup>15</sup> In addition, Spanish law traditionally protected a debtor's home and farming equipment from seizure for repayment of debt, and this protection has persisted throughout Texas constitutions under the homestead provisions.

Under Mexican rule, Texas, as part of the state of Coahuila y Tejas, experienced its first federal constitution under 1824 federal Constitution of the United Mexican States and the subsequent 1827 state Constitution of Coahuila y Tejas, which divided the state into three districts and created a unicameral legislature. Texans were always somewhat frustrated by their limited voice in the Mexican government, and most felt underrepresented in the state. Although they largely comprised the district of Bexar, Texans held only two of the state's twelve legislative seats. Anglo-Texans also resented certain aspects of Mexican rule, in particular the use of the Spanish language for official state business and the establishment of Catholicism as a state religion. Officially, Texans were required to join the Catholic Church. The frustration with government under Mexico created a strong preference for local rule in Texas.

As more Anglos moved to Texas for access to cheap land, Mexico became increasingly worried about its ability to control the region. The Mexican government responded by attempting to ban further immigration from the United States. While the central Mexican government saw further Anglo immigration as a threat to its control over the region, Anglo-Texans saw attempts to stop such immigration as a threat to their continued existence and began to favor a separate Texas state. The central government, which had long looked the other way as Texans brought enslaved persons

into the region, also moved to outlaw all forms of slavery.<sup>16</sup>

However, it was a change in tactics by Mexican president Antonio López de Santa Anna that made independence from Mexico inevitable. President Santa Anna, originally popular in Texas because of his commitment to federalism, abolished the Mexican Constitution and moved to centralize power.<sup>17</sup> When the Mexican Army arrived in the town of Gonzales in the fall of 1835 to collect a cannon it had loaned the town, Texans attached a flag with the words "Come and Take It" to the cannon. The clash in Gonzales marked the point of no return.<sup>18</sup> Texans—Anglos and Tejanos alike—moved to fight for independence from Mexico. After several months of fighting, including the ill-fated battle of the Alamo, Texans finally turned the tides of the revolution at San Jacinto. On April 21, 1836, Texans defeated Santa Anna at the Battle of San Jacinto, and both sides signed the Treaties of Velasco, which granted Texas its independence.



The battle of the Alamo.  
Sarin Images / GRANGER

### Immigration Rights

When Texans declared independence from Mexico, they brought up a lengthy list of complaints, including unfairness in the judiciary, a lack of adequate political representation, and the imposition of a state religion. Anglo-Texans were frustrated with Mexican laws that seemed to ignore their preferences. Texas was given only two seats in the legislature, and the Mexican judicial

system often seemed to disregard the struggles of the new settlers. Still, much of Texans' frustration with Mexico was that Mexico simply didn't represent the cultural preferences of its Anglo settlers. Immigration issues were high among the grievances that fueled Texans' desire to separate from Mexico. Texas under Mexico depended on immigration for the security of the sparsely populated state and initially encouraged immigration from both America and Europe. Under Spain and during the early years of Mexican rule, immigration laws were quite open. However, as Anglos began to outnumber Tejanos in the eastern part of the state, Mexican authorities became increasingly concerned about the growing influence of Anglos in Texas. Eventually, Mexico outlawed immigration from the United States with the Law of April 6, 1830, although a significant number of Americans continued to enter Texas illegally.<sup>19</sup>

The basic difficulties of English-speaking immigrants living under a Spanish-speaking government were a frequent complaint of Anglo-Texans. One of the demands Texans made at the Consultation of 1832 was that the Mexican government create bilingual primary schools with instruction in both English and Spanish. Anglo immigrants to Texas complained about their inability to understand the laws written in Spanish. Stephen F. Austin, in an attempt to avoid revolution, wrote to the Mexican government in 1833 that "with only two measures Texas would be satisfied, judges who understand English . . . and trial by jury."<sup>20</sup> War might be avoided if Texans understood the laws and could mete out justice locally. In 1834, Santa Anna, responding to the unrest in Texas, passed several reforms, including making English the official language of the state of Coahuila y Tejas.<sup>21</sup> Unfortunately, Santa Anna soon abolished the constitution and concentrated power in the central government in Mexico, precipitating a war of secession.

Once independent, Texans would not forget their experiences under Mexico, and they resolved to have their new constitution and any subsequent laws passed printed in multiple languages. The current Texas constitution was originally printed in Bohemian, German, Spanish, and English. Anglo-Texans' experiences as an immigrant minority were manifest in the Constitution of 1836, which established open immigration policies. It declared that "All persons (Africans, the descendants of Africans, and Indians excepted), who were residing in Texas on the day of the Declaration of Independence, shall be considered citizens of the Republic."<sup>22</sup> Furthermore, the constitution made the following provision for future immigrants: "[A]fter a residence of six months, [if the immigrant] make oath before some competent authority that he intends to reside permanently in the same, and shall swear to support this Constitution, and that he will bear true allegiance to the Republic of Texas, [the immigrant] shall be entitled to all the privileges of citizenship."<sup>23</sup> Under Mexican rule, Anglo-Texans complained that they were inadequately represented in Mexico. The framers of the new Texas Constitution granted immigrants the right to vote, regardless of citizenship. That right persisted to the current constitution of Texas, which authorized "every male person of foreign birth" to vote in the state as long as he had "resided in this State one year next preceding an election, and the last six months within the district or county in which he offers to vote" and had declared "his intention to become a citizen of the United States."<sup>24</sup>

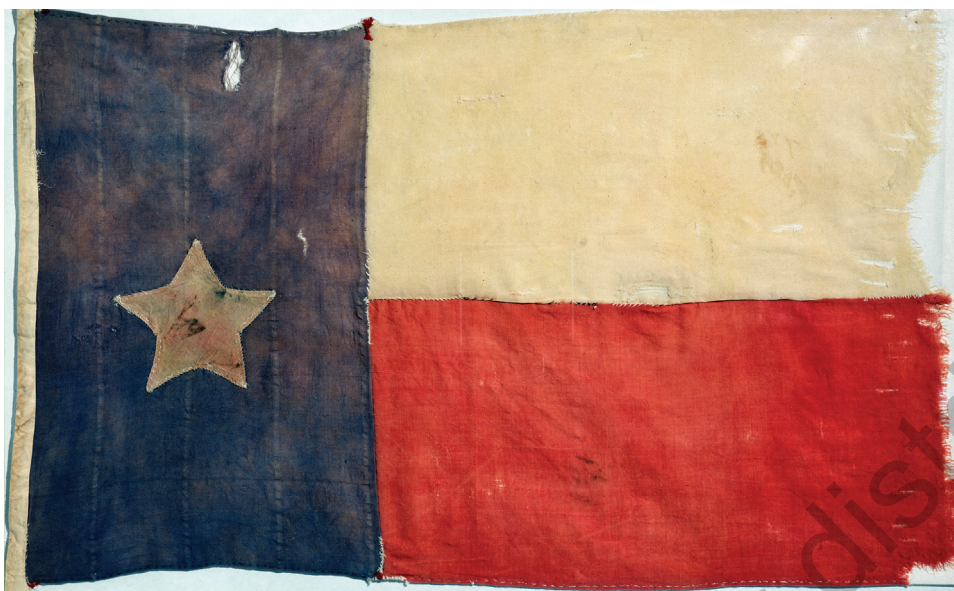
Originally, Texas constitutions were designed to ensure that future immigrants could easily and reasonably attain both citizenship and the right to participate in the government. The right to vote regardless of citizenship remained in force until 1921 when Texans, by a slim majority (52 percent in favor, 48 percent opposed), passed a constitutional amendment allowing only citizens to vote. Texas has experienced constant immigration since leaving Mexico. Today's immigrants fight for many of the same rights that Anglos demanded under Mexican rule more than a century ago.

## The Republic of Texas: The Constitution of 1836

No episode has contributed to the mythology of Texas more than its brief period as an independent country. Texans from across the state met at Washington-on-the-Brazos to write a constitution for the future Republic of Texas. Of the fifty-nine delegates, almost half had been in Texas less than two years, and most had emigrated from southern American states. The constitutional convention occurred in the midst of the revolution, and delegates hurriedly wrote the new constitution, well aware that the conflict could arrive at their doorstep at any moment.<sup>25</sup> The Republic Constitution was relatively brief and flexible, provided for three branches of government, and established a system of checks and balances. The constitution embodied Texans' distrust of government and commitment to individual freedom. Texas's president was elected to a three-year term but was prohibited from serving consecutive terms. The president would serve as commander-in-chief of both the army and the navy of the Republic. A bicameral legislature was established, with one-year terms in the House and three-year terms in the Senate. Congress would make laws and was given the power to collect taxes, declare war, coin money, and was compelled to provide a general system of education. In a reaction to the establishment of Catholicism as the state religion under Mexico, the Republic Constitution barred ministers of any denomination from holding public office. The Republic Constitution also prohibited monopolies, which are "contrary to the genius of a free government."<sup>26</sup>

Property rights were particularly important to Texans, including promising a portion of land to all citizens "who have not received their portion of land."<sup>27</sup> For slaveholding Texans, protection of property included the legalization of slavery, a provision that had irreversible consequences for both Texas and the United States. The new constitution prohibited the Congress of the Republic from passing laws that prevented immigrants from bringing their enslaved persons with them, and Texans were prohibited from freeing enslaved people without the consent of the Congress. The constitution stopped short of allowing the slave trade in Texas. While Anglo and Hispanic males were given a broad range of freedoms, free persons of African descent were prohibited from residing in the state without the consent of the Texas Legislature. As part of Mexico, Texas had a relatively small enslaved population. As an independent republic, and with annexation into the United States viewed as inevitable by many, the institution of slavery exploded in Texas, rising from an estimated 5,000 enslaved persons (12 percent of the population) in 1836 to 58,161 (27 percent of the population) by the 1850 census and 182,566 (30 percent of the population) by 1860.<sup>28</sup> The rapid growth of slavery in the state following independence solidified Texas as a slave state.

The constitution that outlined Texas as an independent country drew largely from the U.S. Constitution. The Republic of Texas also reflected values from Texas's time under Spain and Mexico. Notably, Texas women enjoyed much greater rights than women in the United States. In addition, Texas provided more liberal homesteading provisions than other states, including protecting the home and farming equipment. Texans were also fiercely protective of the need to keep religion out of government and protect the right of all religions. They also enjoyed more progressive policies toward immigrants. The constitution concluded with a declaration of rights, such as freedoms of speech, the press, and religion. The short legislative terms and the non-consecutive presidential term reflected Texans' distrust of government in general, an attitude that persists in modern Texas. The Republic Constitution sought to protect Texans from an overreaching government, declaring that "all power is inherent in the people." Texas voters overwhelmingly supported the new constitution; Texans also immediately supported annexation by the United States.



A flag from the Republic of Texas, representing Texas's time as an independent country.

The Granger Collection, New York

Some of the greatest legends in Texas are built on this brief period of independence. Today, Texans speak fondly of a time when they were masters of their own domain. According to popular imagery, Texas's time as an independent country makes it exceptional among the states. In truth, the Republic of Texas, though unique, was also relatively short-lived, poor, and unproductive. Much of Sam Houston's presidency was spent trying to convince the United States to annex Texas while simultaneously attempting to secure international recognition of Texas's independence by the United States, Great Britain, France, and Mexico, as well as trying to procure financial aid from these governments.<sup>29</sup> While the United States hesitated to bring Texas into the Union, Britain wanted an independent Texas to counter growing American power and to continue to supply it with cheap cotton. The British encouraged Mexico to recognize Texas's independence in exchange for a guarantee that Texas would not join the United States. President Houston played British preferences against American distrust of British intentions to help increase support for Texas annexation. The Texas legend of a proud independent state often fails to mention that Texas was saddled with debt; devastated by a war that had seen towns destroyed, crops devastated, and much of the population displaced; and was under constant threat of attack from Mexico. Offshoots of this legend continue to prevail throughout the state. For instance, many Texans believe that Texas is the *only* state permitted to fly its flag at the same height as the U.S. flag, thinking this right is an indication of Texas's unique status. In truth, U.S. flag code permits all states to fly their flags at a height equal to that of the U.S. flag.

### Statehood: The Constitution of 1845

Once Texas was admitted into the United States, Thomas J. Rusk chaired a constitutional convention to write a constitution. The statehood constitution continued to specify separation of powers and a system of checks and balances while recognizing the federal nature of the United States. The terms for legislators were lengthened to two years for the Texas House and four years for the Texas Senate, although the legislature would now meet biennially, or every other year.

The governor's term was a short two years, and the governor was prohibited from serving more than four years in any six. The governor was given the power to appoint the attorney general, the Supreme Court of Texas judges, district court judges, and the secretary of state. Texans' experiences under both Spain and Mexico were evident in the guarantees of women's property rights, communal property, and homestead provisions in the new constitution.

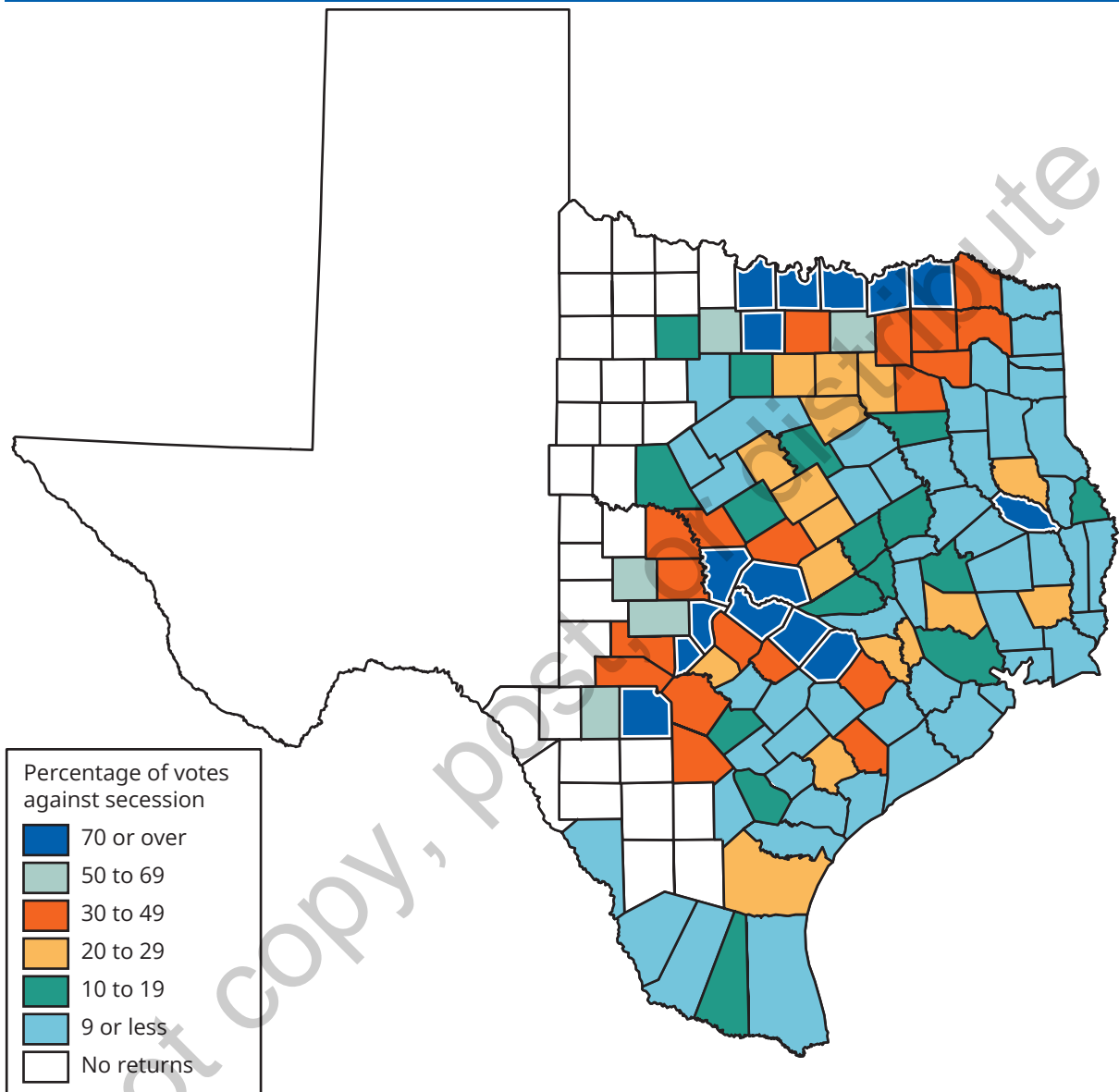
The new constitution reflected the experience of Texans in other ways as well. Many Texans were in debt and highly distrustful of creditors. Indeed, individuals such as Stephen F. Austin came to Texas to try to get out of debt. Thus, the statehood constitution prohibits imprisonment for debt. The prohibition on monopolies was continued in this constitution, which further prohibited bank corporations in the state. The bill of rights was moved to the beginning of the constitution, an indication of the importance Texans placed on individual freedom and limited government. Most of the Republic's constitutional guarantees, such as freedoms of speech and the press and protections for the accused, were continued. At the same time, the 1845 constitution prohibited the Texas Legislature from emancipating enslaved persons "without the consent of their owners, nor without paying their owners, previous to such emancipation, a full equivalent money for the slaves so emancipated." Voting rights for African Americans and women were not considered in the deliberations, although there was a vigorous debate over enfranchising all free "white" men. Many of the delegates held that in Texas the category of "white" had always included both Native Americans and native Mexicans, though some of the delegates expressed concern that the term might now be used to exclude those populations.<sup>30</sup> In the end, the right to vote was conferred on "every free male person who shall have attained the age of twenty-one years . . . (Indians not taxed, Africans, and descendants of Africans excepted)."<sup>31</sup> The constitution mandated a property tax and empowered the legislature to establish an income tax. In addition, the constitution mandated that the legislature establish free schools throughout the state and that one-tenth of the state's annual revenue be set aside to create a permanent school fund. Overall, the statehood constitution operated as a fundamental law in that it was relatively brief and flexible. Daniel Webster, a U.S. senator at the time, referred to the framers of this constitution as the "ablest political body assembled in Texas," producing the best constitution of the day.<sup>32</sup>

When Texas joined the Union in 1845, its residents wanted a federal government that could help them control their remote frontier, but they did not particularly want much else from their government. With the election of Abraham Lincoln as U.S. president, however, secessionist movements erupted in many southern states, including Texas. According to Texas's *Declaration of Causes*, Texas joined the United States with the promise of "holding, maintaining and protecting the institution known as negro slavery"; when nonslaveholding states aligned to "demand the abolition of negro slavery throughout the confederacy, the recognition of political equality between the white and negro races, and avow their determination to press on their crusade against us, so long as a negro slave remains in these States," Texas dissolved her affiliation with the United States.<sup>33</sup>

When Texas voted to secede, Angelina County in East Texas was opposed, but in the rest of East Texas, where cotton was king, there was almost universal support for secession (see Map 2.2). Although the movement to secede was strong in Texas, Governor Sam Houston led a substantial opposition. Houston believed joining the confederacy would involve Texas in a war it could not afford and would not win. Several counties in Central Texas and North Texas also voted against secession. The Central Texas frontier relied on protection from the U.S. Army, and the ethnic German population there morally opposed slavery, making secession less popular. Secession was also unpopular in North Texas, where slavery was virtually absent.<sup>34</sup> Nonetheless, on February 23, 1861, Texas voted to secede and join the Confederate States of America.



MAP 2.2 ■ Texas Secession Vote, 1861



Source: "Vote on Secession, 1861," accessed September 25, 2012, [www.lib.utexas.edu/maps/atlas\\_texas/texas\\_vote\\_secession\\_1861.jpg](http://www.lib.utexas.edu/maps/atlas_texas/texas_vote_secession_1861.jpg). Reprinted with permission from Dr. Morgan and the Board of Regents of the University of Texas System.

### Secession and the Confederacy: The Constitution of 1861

Once it joined the Confederacy, Texas needed a new constitution. However, the 1861 Confederate constitution was primarily a revised version of the 1845 statehood constitution, replacing references to the "United States" with references to the "Confederate States of America." One notable difference was that, under the Confederate constitution, slavery received even stronger protection. In the statehood constitution, enslaved persons could not be emancipated by their owners without permission of the legislature nor by the legislature without compensation. The 1861 constitution went further, specifying that neither the legislature nor any citizen had the power

to “emancipate his slave or slaves.” Otherwise, the Texas Confederate constitution retained the general structure of its 1845 statehood constitution.

### The First Reconstruction: The Constitution of 1866

With the end of the Civil War, Texas needed a new constitution that recognized the new political reality of the defeated Confederacy and reconstituted Union. A. J. Hamilton was appointed as provisional governor of Texas and immediately called for a constitutional convention. Adult white males who swore an oath of allegiance to the United States of America could participate in electing delegates to the convention. Once again, the approach of the drafters at the 1866 constitutional convention was to revise the 1845 statehood constitution rather than write an entirely new constitution. The United States required Texas and other seceding states to renounce secession, abolish slavery, and repudiate all debts associated with the Civil War to reenter the Union. The 1866 constitution acknowledged that slavery would cease to exist in Texas, it “having been terminated within this State, by the Government of the United States, by force of arms, and its reestablishment being prohibited, by the amendment to the Constitution of the United States.”<sup>35</sup>

The new constitution granted Africans the right to enter into a contract and hold property. Although slavery was no longer legal, African Americans were not granted voting rights in the 1866 constitution, and other provisions expressly prohibited them from holding office. In addition, the scope of the governorship was altered. Positions that had been previously appointed by the governor, such as the attorney general and state-level judges, would now be elected. The governor’s term was extended to four years, with the stipulation that the governor serve no more than eight years in any twelve-year period. The governor was granted a line-item veto for appropriations bills. Perhaps the most significant contribution of the 1866 constitution was a clause that made it legal for individuals to acquire the mineral rights of their property.<sup>36</sup> In the end, though, this constitution was short-lived, as national Republicans, frustrated with the lack of any substantive change in the South, gained control of the national Congress and passed the Reconstruction Acts designed to punish southern states and force more meaningful reform.

### The Second Reconstruction: The Constitution of 1869

The Reconstruction Acts passed by Congress divided the South into military districts and assigned military leaders. Texas, and other seceding states, were required to write a new constitution in which African Americans realized full political rights and were further required to ratify the Thirteenth and Fourteenth Amendments before being readmitted into the Union. The Thirteenth Amendment abolished slavery. The Fourteenth Amendment gave former enslaved persons citizenship rights and specifically repudiated debts associated with the Confederacy. The new state constitution would have to be approved by voters, including the newly empowered African Americans in Texas. Moreover, the Reconstruction Acts prevented ex-Confederates, including anyone who had held a political office during the Confederacy, from either participating as delegates at the constitutional convention or voting on the resulting constitution. The result was that only six of the ninety delegates at the 1866 constitutional convention attended the 1869 convention.<sup>37</sup> The delegates, most of whom were Unionist Republicans, were viewed with suspicion and resentment by the majority of Texans. Thus, the 1869 constitution is perhaps best viewed as an anomaly in Texas’s constitutional development, as many of its provisions were out of step with the preferences of most Texans. This is made clear in Article 1, which mandated the elimination of the “heresies of nullification and secession.” This constitution centralized power at the state level and away from local governments. The office of the governor was given broad appointment powers, including the power to appoint Texas Supreme Court justices,

district court justices, the attorney general, and the secretary of state. The governor's salary was increased, and the line-item veto was retained. The Republican authors of the 1869 constitution also adopted a broader range of social services and corresponding tax policies, which most Texans, who overwhelmingly identified as Democrats, opposed. For example, the 1869 constitution created a road tax to pay for bridges and road improvements. In addition, this constitution made elementary education compulsory and funded it with one-fourth of the state's annual tax revenues, along with a poll tax and monies from the state's public lands. Adult males were guaranteed the right to vote, regardless of race, color, or previous condition, and both slavery and systems of peonage were outlawed. The convention delegates also proposed dividing Texas into two and creating the new state of West Texas, although this was ultimately defeated.<sup>38</sup>

To protest the exclusion of ex-Confederates while including African Americans in the creation of the 1869 constitution, many Democrats boycotted the election to ratify the constitution. Nonetheless, in November 1869 the participating voters approved the new constitution, and Republican E. J. Davis was elected governor of Texas. The climate in which the 1869 constitution was written had lasting effects. After all, the U.S. Congress had mandated many of the provisions of the new constitution, and many Texans had not participated in the election of the convention members, the vote to ratify the constitution, or the subsequent election of Governor Davis. Davis would be the last Republican elected as governor in the state for over 100 years. Because the events surrounding the 1869 constitution occurred during a period of military administration of the state, most Texans doubted the legitimacy of both the new constitution and the new governor from the outset.

E. J. Davis would prove to be one of the most controversial governors in the state's history. The taint of illegitimacy was impossible for Davis—and, for the next century, the Republican Party—to overcome. After Reconstruction ended and former Confederates were again eligible to vote, Democrats won back control of the state legislature and the governorship, ousting Davis and replacing him with Democrat Richard Coke in the 1873 gubernatorial election. With a Democrat safely in office, Texans immediately set out to write a new constitution. Some aimed to prevent a “tyrant” such as Davis from ever again gaining so much power in Texas. Others sought to redeem Texas by replacing the constitution that the national government and the Republican Party had imposed on them. Either way, Texans were once again writing a constitution.

## TEXAS LEGENDS

### E. J. DAVIS

According to Texas legend, Texas needed the “Redeemer” constitution of 1876 to cleanse the state of the despotism endured under Republican governor E. J. Davis. Davis represented the more extreme branch of the Republican Party and narrowly won the gubernatorial election in 1869, which included newly enfranchised Black voters, while excluding ex-Confederates. This connection to both ex-enfranchised persons and the Republican Party riled many Texans, who viewed Davis as a tyrant. From their perspective, Davis ballooned the debt, centralized power in the state and away from local governments, directed the state militia and state police to tyrannize towns, and sold out the state's farmers to big business, including railroads, at the expense of the mainly agrarian population. To add insult to injury, when it became clear that Republicans would likely lose the next election,



E. J. Davis

Courtesy of the Texas State Library and Archives Commission

Davis postponed the legislative election and initially refused to leave office after losing the governor's race. This version of events allowed Texans, still stinging from their recent loss of the "War of Northern Aggression," to blame the North for the economic decline of the state and diminish the Confederates' recent military defeat. It also gave birth to the legend of Democrats as redeemers who saved the state from a corrupt "foreign" invader.

As with most myths, this version of events contains some truth and some embellishment. It is true that Davis increased the debt of the state, but this is only part of the story. The state of Texas had been financially devastated by the Civil War and faced a lack of revenue regardless of who occupied the governor's office. Davis advocated using taxes to expand social services favored by the Republican Party. For example, Davis proposed a compulsory education system that was viewed as exorbitant by many Texans. The Republican policies passed under Davis were no doubt more progressive than Texas Democrats preferred, though not necessarily wasteful or dishonest. Moreover, both taxes and state debt were actually higher under the succeeding Democratic administrations.<sup>i</sup>

The most damaging charge was that Davis was a tyrant who used the state police and the state militia to deal aggressively with lawless areas in Texas. Texas still had large expanses of frontier to protect, as well as a good deal of resistance remaining from the Civil War. In one notorious example, Davis declared martial law in Hill County in January 1871, following the arrest of a state police officer. The police officer offended locals when he attempted to arrest the son of the county's largest landowner for killing a freedman and his wife.<sup>ii</sup> Similarly, racially motivated attacks and murders in Limestone County, along with a mob threatening the state police, led Davis to declare martial law there in 1871. Davis used expanded police powers to protect newly freed African Americans.

Given that many Democrats were disenfranchised during Reconstruction, Davis knew that Republican control of both the governorship and the legislature would be short-lived. When Democrats regained control of the state legislature, they passed a law calling for the election of state and local offices, including the governor, to be held on December 2, 1873. In that election, Davis was overwhelmingly defeated by Democrat Richard Coke. Supporters of Coke snuck into the statehouse and inaugurated Coke, refusing to let Davis finish his term. Davis's request for military assistance from President Grant was denied, and Davis vacated the office and returned to his law practice.

<sup>i</sup> Janice C. May, *The Texas State Constitution: A Reference Guide* (Westport, CT: Greenwood Press, 1996); see also Randolph B. Campbell, *Gone to Texas* (New York: Oxford University Press, 2004).

<sup>ii</sup> For more details of this incident, see "Hill County Rebellion," *Handbook of Texas Online*, accessed September 3, 2014, [www.tshaonline.org/handbook/online/articles/jchka](http://www.tshaonline.org/handbook/online/articles/jchka).

## THE CURRENT SYSTEM: THE CONSTITUTION OF 1876

### 2.4 Discuss the principles embodied in the current constitution.

The current constitution, often referred to as the "Redeemer" constitution, sought to wash away what many Texans viewed as the sins of the Second Reconstruction. Several clashes created the context for the current Texas Constitution. First, the Civil War and the subsequent Reconstruction fostered considerable resentment toward Northerners and Republicans throughout the South. Reconstruction was marked by military rule, with a Republican-dominated government in a Democratic state. The majority of Texans were excluded from participating in the creation of the Second Reconstruction Constitution and in the state's political processes in general. The 1869 Constitution was widely viewed as illegitimate. The result was that the Republican

Party spent the next 100 years almost completely shut out of the state's political arena. Second, a preference for independence and individual freedom, along with a deep-seated distrust of government, characterized the state's political culture. Texas has consistently sought to restrict the powers of government. While the current constitution represents the most extreme attempt at restricting Texas government, all of the constitutions, with the exception of the 1869 constitution, sought to create a government that would not intrude into the lives of most Texans. The 1869 Constitution consolidated power in the executive and in the state to address areas of lawlessness and continued rebellion. Still, the constitution was objectionable both because it represented the frustrations of losing the Civil War and because it consolidated power at the state level, away from local governments. The constitution drawn up in 1876 went further than any previous constitution in specifying exactly what the government could and could not do. Delegates who authored the current constitution were overwhelmingly Democrats who distrusted government, favored local control, preferred fiscal restraint, and wanted to fix the perceived injustices of the Republican-created 1869 constitution. Third, the authors of the current constitution were concerned with protecting agrarian interests. In 1876, most Texans were farmers. Of the Texans gathered to write the new constitution, close to half were members of the Grange, an organization created to protect the interests of farmers. Farmers worried about the power of the railroads, which they relied on to deliver their crops and livestock to market. Under E. J. Davis, Texas encouraged railroads across the state, which led to increased rail rates that frustrated the farmers in the state. Texans' distrust of big business was not limited to the railroads. Most Texans in 1876 distrusted big business in general and sought to protect individual rights. Thus, the constitution was designed to limit big business in the state and protect individual rights. The resulting constitution is one of specific limitations on governmental power rather than a fundamental set of laws.

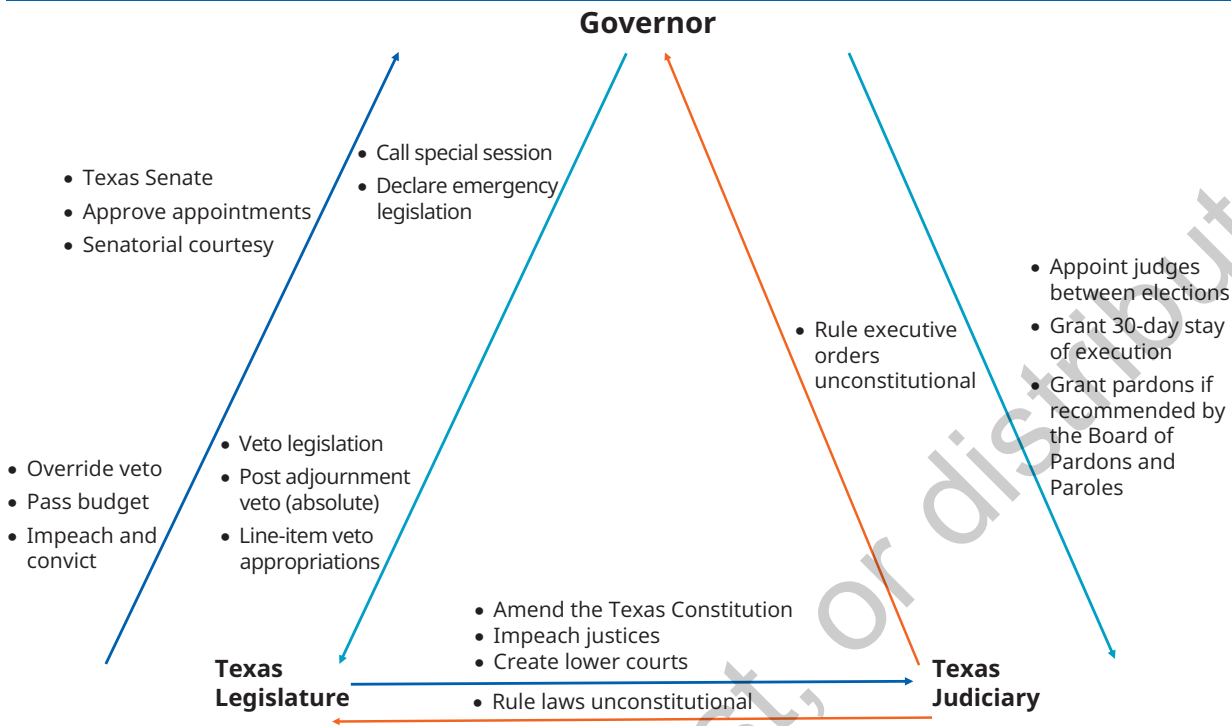
### Constitutional Principles

The current constitution of Texas is based on the idea of **popular sovereignty**, or that the power to rule is derived from the people. This power is evidenced in the preamble, which reads, "Humbly invoking the blessings of Almighty God, the people of the State of Texas do ordain and establish this Constitution." The constitution specifies a **separation of power**, meaning one branch of government does not hold all of the power. Article 2 divides the government into three distinct branches and prohibits those branches from exercising "any power properly attached to either of the others." The constitution further splits executive authority among a plural executive and legislative authority across two chambers. Building on this separation of powers, the constitution gives each branch the ability to check the power of the other branches, called **checks and balances** (see Figure 2.1). For example, the legislature's job is to pass policy, but the governor can check that power by vetoing legislation. The constitution also embodies the principle of federalism, recognizing that Texas is free "subject only to the Constitution of the United States."<sup>39</sup>

### The Legislative Branch

The legislative branch is composed of a Texas House of Representatives with 150 members and a Texas Senate with 31 members. Members of the House are elected every two years, and senators serve four-year terms. While the legislature is limited to a relatively short session, thirty-day special sessions can be called by the governor, who sets the agenda for those sessions. Consistent with Texans' preference for small government and their distrust of politicians, the current constitution was designed to create a part-time citizen legislature. The constitution restricts the legislature to biennial sessions for only 140 days. The idea was that, rather than having professional politicians, any citizen could participate in a legislature that met so infrequently. To discourage

FIGURE 2.1 ■ Checks and Balances



professional politicians further, the constitution originally spelled out only a modest salary for state legislators, a salary that required a constitutional amendment to change. This persisted until 1991, when the constitution was amended to create the Texas Ethics Commission (TEC) to set legislative salaries, subject to voter approval. Today, legislative salaries are set at \$7,200 a year plus a per diem for days the legislature is in session.

Much of the Texas Constitution is a list of things that the legislature is specifically prohibited from doing. For instance, the constitution spells out the types of taxes the legislature can and cannot levy. It explicitly prohibits the state from passing a property tax and sets ceilings on the amount of property taxes that local governments can collect. The constitution further forbids the government from imposing a state income tax. The legislature is also required to place the subject of a bill in its title, and each bill can have only one subject. A reading of the current constitution makes clear that the main goal of the framers was to expressly limit the government rather than to create a broad-governing mandate.

### The Executive Branch

Under Reconstruction, the Republican governor centralized power, often to deal with Texans who resisted extending rights to newly freed enslaved persons. As soon as all Texans were once again permitted to participate in elections and write a constitution, the reaction was swift. The authors of the current constitution wasted no time writing a new constitution that severely stripped the powers of the governor and distributed traditional executive powers into several offices. According to Article 4, the executive branch is divided among a governor, lieutenant governor, secretary of state, comptroller, land commissioner, and attorney general.<sup>40</sup> Thus, in contrast to the U.S. executive, the Texas Constitution created a plural executive, an institutional

arrangement whereby traditional functions of the executive branch are divided among several officeholders rather than vested in a single person. To further limit the power of the governor, the constitution originally granted the governor almost no appointment power. Offices that had previously been appointed by the governor would now be elected. In fact, the secretary of state is the only member of the plural executive that is appointed by the governor. The delegates of the constitutional convention also shortened the term of office for the governor to two years, decreased the governor's salary, and limited the governor to two terms in office. Later amendments increased the governor's term to four years and removed the term limits. Clearly, though, one of the main goals of the delegates writing the constitution was to create an institutionally weak governor.

### The Texas Judiciary

Article 5 of the Texas Constitution created a judicial branch with county courts, commissioners courts, justice of the peace (JP) courts, district courts, and appellate courts, as well as “such other courts as may be provided by law.” It also specifies the creation of two high courts: the Supreme Court of Texas to hear final civil appeals and the Court of Criminal Appeals to hear final criminal appeals.<sup>41</sup> Under the current constitution, judges would now be elected rather than appointed, although judicial vacancies that occur between elections are filled by gubernatorial appointment. This is in sharp contrast to the federal judiciary, which is appointed for the purpose of creating an independent judiciary. The move to appoint judges reflects both a distrust of the state executive and a desire to keep the power in the hands of the people. That comes at a cost, as all state judges in Texas are constantly raising campaign funds in order to get reelected, and most Texans don't pay attention to judicial campaigns.

### Distrust of Government

The most prominent feature of the current Texas Constitution is the general distrust of government. Article 1 underscores the attitudes of most Texans that “all political power is inherent in the people, and all free governments are founded on their authority . . . they have at all times the inalienable right to alter, reform or abolish their government in such manner as they may think expedient.” We see evidence of Texans' distaste for government throughout the document. For example, the circumstances under which the government can tax and incur debt are spelled out in the Texas Constitution. To keep the government small, the powers, terms, and salaries of the executive and legislature are strictly limited. The Texas Legislature meets only 140 days every other year. While that may have been desirable in 1876 agrarian Texas, today's Texas is the second-largest state in the United States and has an increasingly diverse population and economy. The constitution created an extremely weak governor (although, as we see in Chapter 4, the governor's powers have ballooned recently). The framers of the Texas Constitution created a system in which political power is retained by the people. The result of attempting to keep all political power with the people in Texas is the **long ballot**, a system in which almost all key positions in the state are elected rather than appointed. This distrust of government continues to pervade Texans' attitudes today and is one of the main reasons attempts at reforming the constitution have failed.

### Distrust of Big Business

It might surprise Texans today, but when the current constitution was written, Texans viewed large corporations with disdain. Texas preferred wildcatters and roughnecks to large companies that

could hamper free enterprise. Texas retained the prohibition against monopolies in the current constitution. The 1876 constitution did not allow branch banking; that was true until the constitution was amended in 1986. Even as you drive through Texas today, you still see a hometown bank in every small town. If you are looking for a branch of Bank of America, Wells Fargo, or Chase Bank, you will likely have to drive to a bigger city. The current Texas Constitution also severely limited the rail companies, regulating everything from how much they could charge to forbidding grants of money to railroads. Texas rail companies were prohibited from consolidating with rail companies outside the state. Similarly, Texas laws encouraged small oil companies and did not allow integrated oil companies to operate in the state until 1917. The constitution also prohibits the state's legislature from surrendering the power to tax corporations or corporate property.

### Preference for Local Government

The constitution exhibits a clear preference for a limited state government and decisions to be made at the local level. The emphasis on juries in the Texas criminal justice system, and early Texans' demands for local juries, is an expression of localism. Likewise, the state government is constitutionally barred from enacting an income tax and a property tax, limiting the power and scope of state government. The property tax is collected at the local level: city, county, or school district. Counties and cities can also impose sales taxes to fund their activities. While some states, like Georgia, have an integrated system of four-year universities and two-year junior colleges, Texas's preference for local control enabled the creation of community colleges that operate largely independently of the state and are funded by local governments. Texas has more school districts than any other state. Rather than a single statewide school system (like Hawaii) or countywide school districts (like Florida), Texas independent school districts reinforce local control over public education.

## CRITICISMS OF THE TEXAS CONSTITUTION

### 2.5 Evaluate problems with the current Texas Constitution.

The state's current constitution was written in the era of cowboys and cattle drives. Today's Texas is one of computers and commuters. The population in the 1880s was slightly over 1.5 million people, whereas in 2023 the U.S. Census Bureau estimated the Texas population at 30.5 million. Hispanic and African American populations comprised the two largest minorities in Texas in the 1880s. The Hispanic population has increased significantly since then, but the African American population has declined, and other groups, such as Asian immigrants, have a growing presence in the state today. Economically, Texas in 1876 was agrarian, with small farms and ranches dominating the state. Today, the state's economy is one of the most diverse in the United States. Texas has a substantial aerospace and defense industry, as well as a telecommunications and computer sector, and is an important center of finance, shipping, energy, and other big business. It is not surprising, then, that the current constitution is considered inadequate for such a large and diverse state.

The current constitution reflects the desire of the framers to eliminate the last vestiges of Reconstruction rather than to write a long-lasting constitution. One of the most frequent criticisms is the amount of detail in the document. The Texas Constitution is a long list of specific rules rather than a set of fundamental principles for state law. For instance, in 2017 the constitution was amended to specify the definition of "professional sports team" for fundraising



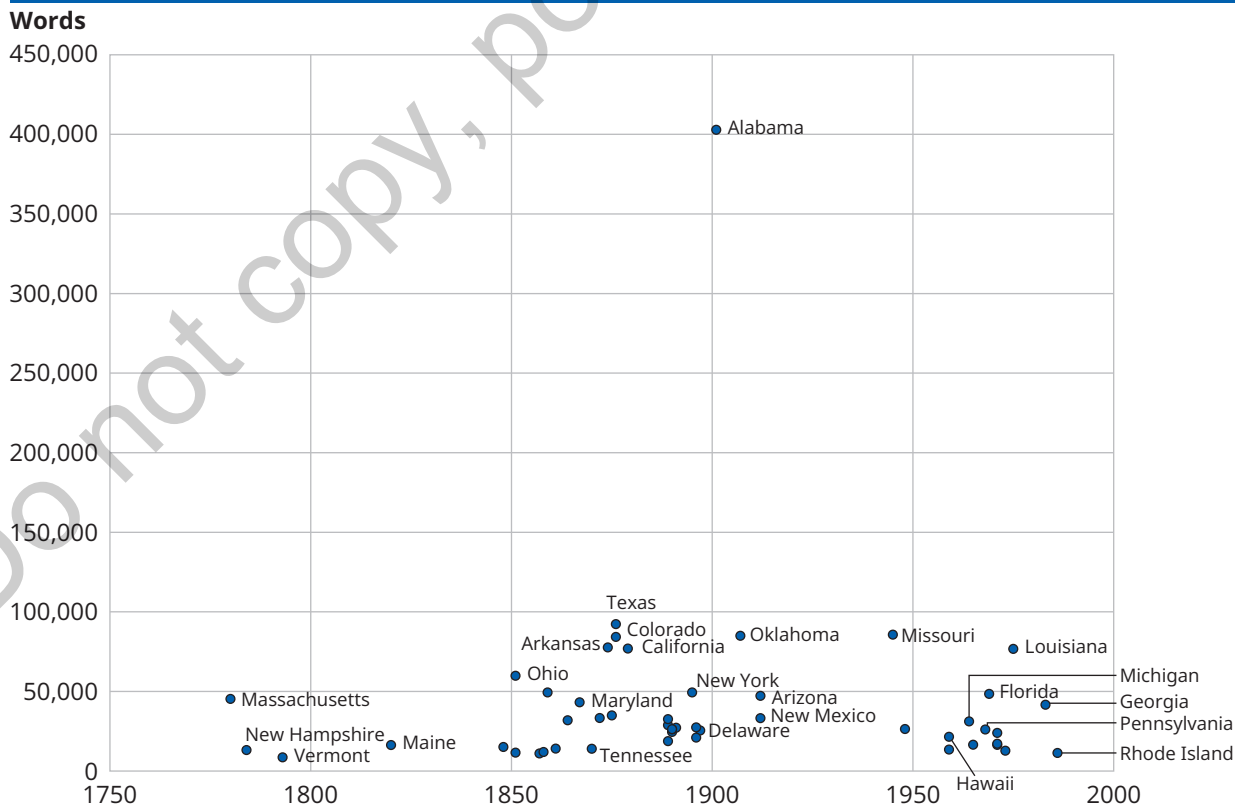
purposes. A 2019 amendment allows retired law enforcement animals to be adopted by their handlers. While both of these amendments may be commendable, they are the sort of specific policy-making ideally originating in the state legislature rather than being embedded in a constitution.

Including such detail in the state’s constitution leaves Texas with the second-longest constitution in the United States, one that is both disorganized and unwieldy. The U.S. constitution did not have to be amended to send a person into space, create a space agency, or create a space force. By contrast, the Texas constitution often has to be amended to accomplish basic functions. The problem is compounded because the more detailed the constitution is, the more likely it is that passing new policy will require constitutional amendment. The result is a constitution that continues to grow; it is now approximately 92,345 words.

### Amending the Constitution

The current Texas Constitution outlines the process by which it can be amended. Both houses of the Texas Legislature must approve any proposed amendments by a two-thirds vote. Once approved, the amendment must be published twice in major newspapers and posted in each county courthouse thirty days prior to Election Day. Finally, the amendment must be approved by a simple majority of voters. The Texas Constitution has been amended 530 times, making it one of the most frequently amended constitutions among the states.<sup>42</sup> Alabama’s state constitution had the most amendments (977), which led the state to write a new constitution in 2022. Rhode Island’s constitution has been amended the least, with a mere thirteen amendments. See Figure 2.2 for a comparison of the constitutions of the fifty states by age and by length.

**FIGURE 2.2** ■ The Word Length and Age of State Constitutions



## TEXAS VERSUS MASSACHUSETTS

The Massachusetts Constitution of 1780, which predates the U.S. Constitution by nearly ten years, is the oldest written constitution still in use not only in the United States but also anywhere in the world. The framers of the Massachusetts Constitution included three heroes of the American Revolution: John Adams, Samuel Adams, and James Bowdoin. These larger-than-life legends established a pattern that many states now follow for state constitutions: a preamble, a declaration of the rights of citizens, a framework for government, and amendments to the constitution. The relatively broad language of the Massachusetts Constitution has served the state well, as opposed to the highly specific and technical language of the Texas Constitution. Massachusetts' constitution contains only four major sections, compared to the current Texas constitution, which has seventeen. Fewer constitutional amendments (120 total) have been passed in Massachusetts than in almost half the states—certainly fewer than the 530 amendments in Texas. Unlike Texas, Massachusetts still uses its original document, while Texas is on its sixth constitution, including the short-lived Constitution of the Republic of Texas.

The original Texas Constitution (1845), written after Texas joined the United States, shared many characteristics of state constitutions of the time, including that of Massachusetts. The Texas Constitution legalized slavery, while the Massachusetts constitution did not. Some thirty-one years later, in 1876, the framers of the current constitution of Texas created a very different document. The 1876 document is long and specific, reacting to the experiences of Texans in the Civil War and Reconstruction eras of U.S. history. Both Massachusetts and Texas require a statewide referendum to amend their constitutions. Only Massachusetts, however, also allows a statewide referendum to make general laws, permits an initiative petition to amend the constitution, and accepts an initiative petition to make general laws.

Why do you think the Massachusetts Constitution is a model for the constitutions of other states? **Critical Thinking**

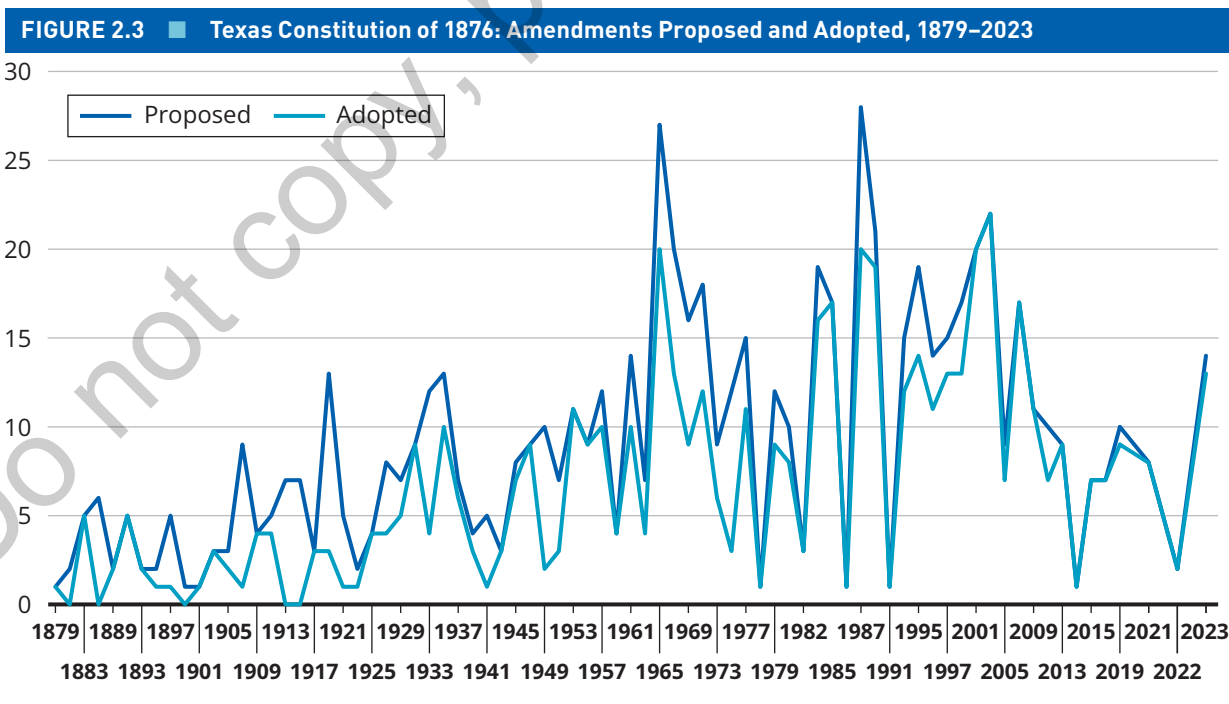
How is the Texas Constitution (1845) similar to that of Massachusetts and to the current constitution of Texas? How is it different? **Empirical and Quantitative**

**A Constitutional Comparison of Massachusetts and Texas**

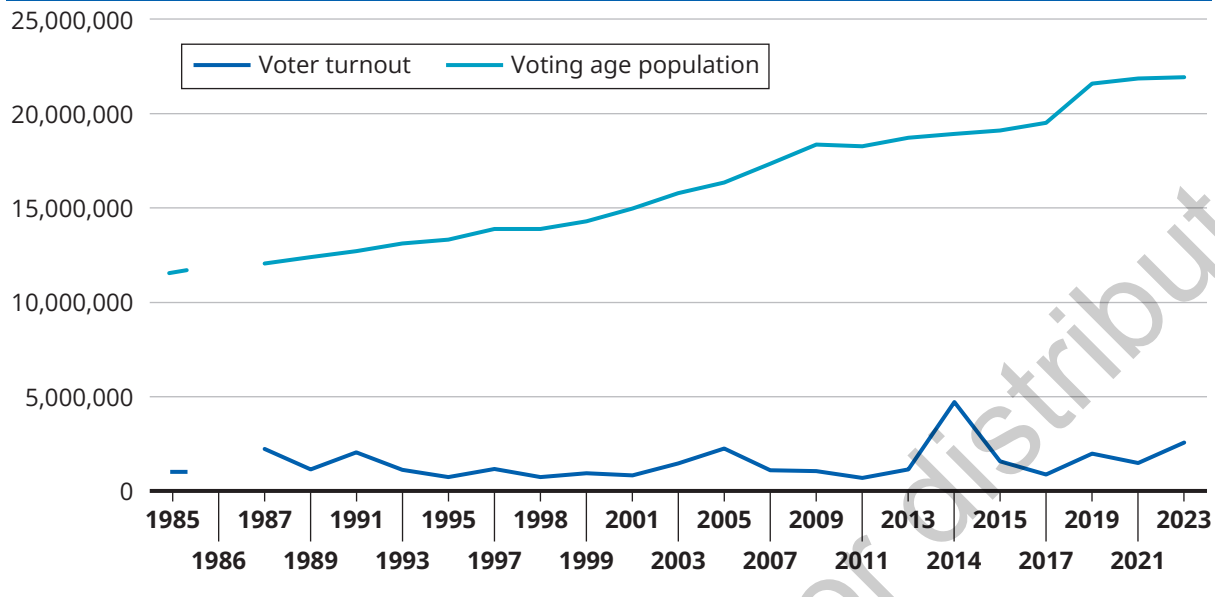
Feature	Massachusetts	Texas (1845)	Texas (1876)
Year adopted	1780	1845	1876
Word length	45,000	11,600	92,345
Amendments	120	1	530
Executive offices elected	Yes	Yes	Yes
Governor	Yes	Yes	Yes
Lieutenant governor	Yes	No	No
Secretary of state	Yes	No	Yes
Attorney general	Yes	No	Yes
Treasurer/ comptroller	Yes (1)	No	Yes (2)

Feature	Massachusetts	Texas (1845)	Texas (1876)
Legislature	General court	Texas Legislature	Texas Legislature
Senate			
Size	40	At least 19 but no more than 33	31
Length of term	2 years	4 years	4 years
House			
Size	160	At least 45 but no more than 90	150
Length of term	2 years	2 years	2 years
Judiciary	Appointed	Appointed	Elected

As Figure 2.3 illustrates, the overwhelming majority of proposed constitutional amendments in Texas are approved by electors; 88 percent of all proposed amendments have been adopted since 1985. Almost all constitutional amendments are put on the ballot in odd years or in special elections. Unfortunately, the voter turnout during special elections is significantly lower than during general elections (see Figure 2.4). Since 1985, the average turnout in elections with constitutional amendments has been 9 percent of the entire voting-age population.<sup>43</sup> Voter turnout remains low even when the proposed amendment is relatively popular or controversial. For example, in 2007 when 88 percent of voters approved school tax relief for the elderly and disabled in Texas, less than 7 percent of potential voters actually participated in that election. In



Source: Texas Secretary of State, [www.sos.state.tx.us/elections/historical/70-92.shtml](http://www.sos.state.tx.us/elections/historical/70-92.shtml).

**FIGURE 2.4** ■ Voter Turnout during Special Elections and Off-Year Elections, 1981–2023

Source: Texas Secretary of State, [www.sos.state.tx.us/elections/historical/70-92.shtml](http://www.sos.state.tx.us/elections/historical/70-92.shtml).

2005, 76 percent of voters approved a constitutional amendment defining marriage as a union between a man and a woman, based on a 14 percent voter turnout. Amending the fundamental state law with such low turnout rates raises serious questions about the nature of popular sovereignty in Texas.

### Constitutional Revision

Distrust of government has generally translated to suspicion of change in Texas. The current constitution has been criticized since its inception. Demands for constitutional revision have been almost continuous in Texas, with early calls for constitutional conventions occurring in 1913, 1917, 1949, 1957, and 1967.<sup>44</sup> As early as 1922, Governor Pat Neff urged the legislature to write a new state constitution, arguing that the 1876 constitution had become a “patchwork”—this after only thirty-nine amendments.<sup>45</sup> However, it wasn’t until the early 1970s, in reaction to the Sharpstown scandal (a banking and stock fraud scandal involving officials at the highest levels of government), that Texas came close to substantial constitutional revision. The legislature created a constitutional revision commission that proposed sweeping changes to the current Texas Constitution. The proposal included providing annual sessions for the legislature, increasing the power of the governor, creating a single high court, and changing the selection process of the judiciary. The proposed document would have contained only 14,000 words and would have reduced the number of articles from seventeen to eleven. The final proposal was considered a well-drafted constitution and contained many of the changes constitutional experts continue to propose today. In the end, though, a joint meeting of both houses of the legislature failed by three votes to get the two-thirds vote necessary to pass it. In its next regular session, the legislature revived most of those proposals in the form of eight amendments to the constitution, but Texas voters overwhelmingly rejected each of the amendments.

Another serious attempt at significant constitutional revision came in 1998, spearheaded by Senator Bill Ratliff and Representative Rob Junell. The Ratliff–Junell proposal

also reduced the document to about 18,000 words, granted expanded appointment power to the governor, increased the length of legislators' terms while imposing term limits, created a salary commission appointed by the governor to set compensation for legislators (without voter approval), and reorganized the judiciary into a single high court with the gubernatorial appointment of judges followed by a retention election. Ratliff and Junell argued that the current constitution is clearly broken and imposes an intolerable cost on the state. Ratliff suggested that “[voters know] that any document you have to try to amend 20 times every other year is broke. It’s sort of a Texas tragedy, actually, that we can’t seem to come to grips with the fact that we need a new, basic document going into the next century and the next millennium.”<sup>46</sup> Moreover, the cost of the frequent elections necessary to amend the constitution is considerable, manifesting itself in both “voter fatigue and the temptation for special-interest groups to push amendments that aren’t in the public interest.”<sup>47</sup> In the end, the Ratliff–Junell proposal unceremoniously died from neglect in the legislature. As with previous attempts at constitutional revision, Texans resisted change and chose to continue to patch up the old constitution. The constitution thus remains mired in legislative detail, and Texas politicians remain unwilling or unable to create a constitution designed for the diversity and complexities of our state. Absent a constitutional convention, constitutional revision can occur in a variety of other ways. In Texas, constitutional revision has been accomplished primarily through amending the constitution. This incremental change in Texas, while not ideal, has been necessary since many Texans resist more sweeping changes, such as wholesale revision through constitutional conventions.

## WINNERS AND LOSERS

**2.6** Analyze the extent to which the current Texas constitution is consistent with Texan values.

In Texas, the general distrust of government and resulting resistance to change have created an environment in which the fundamental law is unyielding—a difficult situation for one of the nation’s most rapidly changing states. The authors of the current Texas Constitution distrusted the Reconstruction government, which they viewed as the government of an occupying army. Their reaction was to create a constitution intended to limit the power of government, curb the potential for abuse by business, and preserve the power of citizens in the state. Ironically, the constitution entails such a high democratic cost to Texas citizens that the goals of the framers were guaranteed to fail. In an effort to safeguard the power of individuals, voters in Texas are literally overwhelmed by the number of offices and constitutional amendments they see on the long ballot in each election. Instead of ensuring popular control of government, such a burden on citizens ensures voter fatigue and apathy. When citizens don’t play their role to keep government in check, professional politicians and special interests fill the gap.

The winners of the current constitutional rules tend to be big-business interests. Business in Texas can dominate both the elections of officials and the approval or defeat of constitutional amendments, as overwhelmed voters simply opt out. The voters comprise the losers of the stagnant Texas Constitution. Voters, who continue to distrust government and therefore resist change, face a political system in which business and political interests often override popular concerns. Moreover, the short biennial legislative sessions stipulated in the constitution create a government that has not kept up with the increasing complexities of the state. The goal of

the framers was to create a citizen legislature. Extremely low legislative pay means that average Texans cannot afford to take the job. Instead of being a citizen legislature, the Texas Legislature is dominated by wealthy individuals and big business. By keeping the legislative sessions fixed and biennial and the salary small, the framers hoped to preclude the creation of a professional legislature. In fact, in the twenty-first century, these constitutional impediments guarantee that the legislature is dominated by people who depend on business corporations or legal firms for their salaries—in other words, on entities that often have their own interests in the state legislature. The constitution has created a legislature that is indebted to big business and special interests.

The election of judges in Texas, when most citizens are already overwhelmed by the number of officials on the ballot, adds to an environment in which citizens' interests may be marginalized in favor of big-business interests. Judges must raise significant amounts of money to be elected in the state, even as most citizens are simply not paying attention to judicial elections. Big business and other special interests are willing to fill that gap. In general, the Texas Constitution as it currently stands does not effectively empower the people in the state, and the general distrust of government means the people do not favor changing the constitution.

## CONCLUSION

Texans continue to cling to a constitution written well over 100 years ago at a time when the state was largely dominated by agriculture. Texas has undergone constant and dramatic change since the constitution was written, and there is no sign that this change is slowing down. Gone are the days of the rugged frontier. In today's Texas, you are more likely to see a computer chip than a longhorn. Yet even as the state continues to change, Texans adhere to the myth that the constitution continues to serve them. Mistrust of government overrides concerns over an unresponsive governmental structure. Texas continues to face increasingly complex issues, but Texans' tradition of mistrust undermines the ability of the government to respond to the state's transformations. Reliance on its outdated constitution will not serve Texas in the future.

## KEY TERMS

block grant  
 categorical grant  
 checks and balances  
 concurrent powers  
 confederal system  
 constitution  
 cooperative federalism  
 devolution  
 dual federalism  
 enumerated powers  
 extradition  
 federalism  
 fiscal federalism

full faith and credit clause:  
 horizontal federalism  
 implied powers  
 long ballot  
 popular sovereignty  
 privileges and immunities  
 reserved powers  
 separation of power  
 supremacy clause  
 unfunded mandate  
 unitary system  
 vertical federalism

### DISCUSSION STARTERS

- Does it matter whether power is vested in the state or local level? **Critical Thinking**
- How should government weigh the predominant political culture vis-à-vis minority rights? **Social Responsibility**
- To what extent does the Texas Constitution create a citizen legislature? **Critical Thinking**
- To what extent do you have a responsibility to participate in elections that include amendments to the Texas Constitution? **Personal Responsibility**

### ACTIVE LEARNING

- Break into groups of five. In each group, identify the arguments for giving more power to the state governments and the arguments for giving more power to the national government or more power to local governments. **Teamwork**
- Draw a cartoon that illustrates a problem or problems with the current Texas Constitution. **Communication**

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