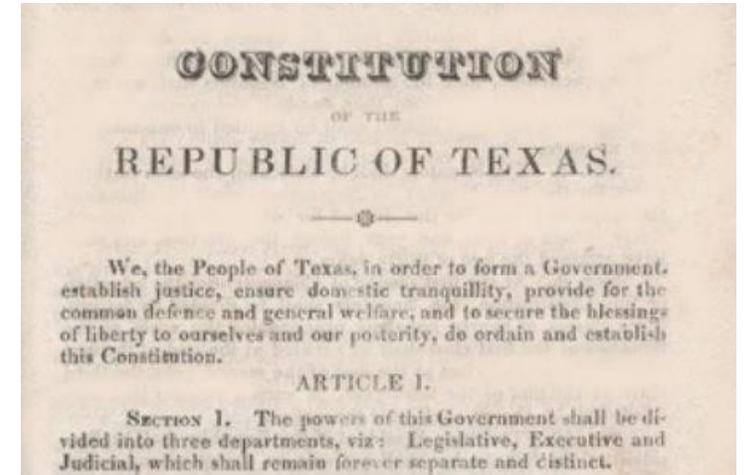


Texas Constitutional History

What is a **constitution**?

A document that lays out the principles and responsibilities of government and specifies the powers of government institutions and elected officials. A constitution also establishes the “rules of the game” governing the political and policymaking process.



What is a **bill of rights**?

A formal declaration of the rights of the citizens within government. Rights may be something that government must provide (trial by jury) or something that government cannot restrict (freedom of speech).

What is a **social contract**?

An agreement to create government and give up absolute freedom in exchange for security. The government has the power given to it by the consent of the governed for the purpose of protecting individual rights.

Texas Constitutional History

1827: Constitution of Coahuila y Tejas (Republic of Mexico)

1836: Constitution of the Republic of Texas

1845: Texas State Constitution (United States of America)

1861: Texas State Constitution (Confederate States of America)

1866: Texas State Constitution (USA, but pro-Confederate)

1869: Texas State Constitution (USA, but pro-Union)

1876: Texas State Constitution (present)



Coahuila y Tejas

1821: Mexico formally granted independence from Spain

The Republic of Mexico is founded and governed by the Mexican Constitution of 1824

1827: the state of Coahuila y Tejas adopts its state constitution within the **federal system** governed by the Mexican Constitution

What is a federal system?

Texas was the District of Bexar within the state of Coahuila y Tejas and sent two representatives to the **unicameral** state legislature.

Takeaway: The state constitution of 1827 promoted education, established Catholicism as the state religion, and curtailed the spread of slavery.

Constitution of 1836

1830: Mexican legislature passed Law of April 6, which ordered Mexican soldiers to enforce the no slavery policy and freeze emigration from the United States.

1835: President Santa Anna exiled his own vice president, disbanded the national Congress, and dissolved the state legislatures.

March 2, 1836: Texas Declaration of Independence

Constitution of 1836 resembles the U.S. Constitution

- separation of powers
- checks and balances
- individual rights and republican government
- strong defense of slavery

Takeaway: Most Anglo Texans favored annexation into the United States, but their support for slavery proved problematic as the U.S. Congress sought to keep a delicate balance between free and slave states and feared war with Mexico. How might this experience have shaped political culture or attitudes?

State Constitution of 1845

“The Statehood Constitution”

March 1, 1845: U.S. Congress approves resolution to bring Texas into the Union as a state.

First state constitution modeled after Louisiana’s state constitution and retained many similarities with Constitution of 1836.

Bicameral legislature: House of Representatives and Senate

Elected executives: Governor and Lieutenant Governor

Judiciary: Texas Supreme Court and District courts

Voting rights: Intense debate over whether to give Tejanos the right to vote. In the end, suffrage was extended to all Anglos and Tejanos regardless of property wealth. Native Americans and those of African descent were excluded from voting.

State Constitution of 1861

“The Confederacy Constitution”

1860: 1/3 of the state’s population is enslaved (180,000 people)

Governor Sam Houston refused to convene a special session of the legislature to discuss secession, but the political leaders of Texas called a special convention for the purpose in January 1861.

February 2, 1861: Texas Ordinance of Secession declares:

We hold as undeniable truths that the governments of the various States, and of the confederacy itself, were established exclusively by the white race, for themselves and their posterity; that the African race had no agency in their establishment; that they were rightfully held and regarded as an inferior and dependent race, and in that condition only could their existence in this country be rendered beneficial or tolerable.

That in this free government all white men are and of right ought to be entitled to equal civil and political rights; that the servitude of the African race, as existing in these States, is mutually beneficial to both bond and free, and is abundantly authorized and justified by the experience of mankind, and the revealed will of the Almighty Creator, as recognized by all Christian nations; while the destruction of the existing relations between the two races, as advocated by our sectional enemies, would bring inevitable calamities upon both and desolation upon the fifteen slave-holding States.

State Constitution of 1866

“The Readmission Constitution”

Republicans were victorious in the federal elections of 1866 and Congress passed new legislation outlining the requirements for former Confederate states to re-enter the Union, but President Andrew Johnson (a Democrat from Tennessee) guaranteed minimal demands for readmission.

The Texas convention included a large faction of secessionists who had been part of the Confederacy.

The Texas convention officially rejected the right of secession, accepted the abolition of slavery, and pledged allegiance to the United States.

However, the new state constitution deprived freed slaves of the right to vote, hold public office, or serve on juries.

The new state legislature passed “Black Codes” to control the economic and social mobility of freed slaves. A more aggressive version of Reconstruction would soon come from Washington D.C.

Takeaway: The structure of state government was largely unchanged since 1845, but the rights of the people were NOT keeping up with the times.

State Constitution of 1869

“The Reconstruction Constitution”

The “Radical Republicans” in Congress passed the Reconstruction Act of 1867, which called for the disenfranchisement of former Confederates, the re-writing of state constitutions, and the right to vote for former slaves.

The “Black Codes” were counteracted with the 14th and 15th Amendments, which guaranteed full citizenship for freed slaves, empowered the federal government to protect individual rights in the states, and granted the right to vote to all men regardless of race.

The Constitution of 1869 guaranteed the right to vote for freed slaves and the first governor elected was Edmund Davis (a Republican!)

Under the new constitution, the governor had lots of power and many Texans began to criticize the governor’s use of power and allegations of corruption and cronyism erupted.

Democrats took control of the legislature in 1872 and re-gained the governor’s office in 1873.

State Constitution of 1876

“The Current Constitution”

1875: New constitutional convention comprised of 75 Democrats and 15 Republicans

Context: The centralized executive power of Edmund Davis and the role of populist farmers that were part of the Grange.

Goals: Create a truly limited and de-centralized government with a plural executive that prioritized the needs of agrarian interests and protected individual rights.

Article 3: Legislature = House of Representatives (150 members) and Senate (31 members)

Article 4: Plural Executive = Governor, Lieutenant Governor, Secretary of State, Comptroller, Attorney General, Commissioner of General Land Office

Article 5: Judiciary = Supreme Court (civil cases), Court of Criminal Appeals (criminal cases), district courts, commissioner's courts, and justice of the peace courts.