

## Bill of Rights Comparison

### Texas State Bill of Rights and United States Federal Bill of Rights

#### Background:

In contrast to the U.S. Constitution which included its Bill of Rights only as an addendum in the first ten amendments, the Texas Constitution puts its Bill of Rights at the beginning of the document in Article I. Originally 29 sections long (later expanded to 32), the Texas Bill of Rights might seem to be more extensive than its national counterpart, but many of the rights are simply reordered. For example, the U.S. Bill of Rights covers freedom of religion, speech, press, assembly, and petition in one amendment. The Texas Bill of Rights uses nine amendments to address the same freedoms. The Texas Bill of Rights also bans discrimination based on sex, race, color, creed, or national origin, found in the U.S. Constitution in the 13th and 14<sup>th</sup> amendments. Religious tests to hold public office are banned in the Texas Bill of Rights; in the U.S. Constitution such tests are banned in Article VI of the body of the text. The U.S. Constitution defines treason in Article III of the body of the text; the Texas Bill of Rights contains this definition itself.

#### Instructions:

Below is a summary of the provisions in the U.S. Constitution's Bill of Rights. Under each summarized amendment, state the number(s) where the corresponding provisions are found in the Texas Bill of Rights.

Amendment One: The government cannot promote a religion or take away freedom of religion; take away freedom of expression; take away freedom of the press; keep people from assembling peacefully; deny people the right to ask the government to correct unfair actions.

Texas Bill of Rights:

Amendment Two: The people have the right to keep and bear arms for self-defense.

Texas Bill of Rights:

Amendment Three: The government cannot make people keep soldiers in their homes in times of peace; in times of war Congress may pass a law to require this.

Texas Bill of Rights:

Amendment Four: People are protected in their persons, houses, and possessions against unreasonable searches and seizures; warrants are not required for every search, but if issued must contain a description of the place to be searched, what is to be seized, and be based on a valid reason.

Texas Bill of Rights:

Amendment Five: The government cannot try a person for a major crime without a grand jury hearing; try a person twice for the same crime if found innocent; make a person testify against himself; take a person's life, liberty, or property without fair procedures; take a person's property for the good of the public without paying a fair price.

Texas Bill of Rights:

Amendment Six: If charged with a crime, you have the right to a speedy, public trial with an impartial jury; be told what you have done wrong; have the witnesses against you testify in court and to call witnesses in your defense; have the assistance of an attorney.

Texas Bill of Rights:

Amendment Seven: People have the right to a jury trial in a civil case if the amount in question exceeds \$20.

Texas Bill of Rights:

Amendment Eight: Bail cannot be too high for the crime; fines may not be excessive; and no cruel and unusual punishments are allowed.

Texas Bill of Rights:

Amendment Nine: The listing of these rights in the Constitution does not mean that the people do not have other rights not listed.

Texas Bill of Rights:

Amendment Ten: Powers that the Constitution does not give to the national government are reserved for the states; unless a part of the Constitution denies a specific power to the states.

Texas Bill of Rights:

List THREE sections of the Texas Bill of Rights that go beyond the U.S. Bill of Rights.

- 1.
- 2.
- 3.