

CHAPTER 30

Texas Government (1845–Present)



Construction began on the Texas Governor's Mansion in 1854.



The Texas Education Agency reviews standards for learning materials, schools, and teacher certification.



1845 On December 29 the U.S. Congress officially admits Texas to the Union and approves its first state constitution.

1876 Texans adopt the constitution that governs the state today.

1890 James Stephen Hogg—the first native-born Texan to become governor—is elected.

1915 The Texas legislature passes the first state law requiring children to attend school.

1845

1865

1885

1905

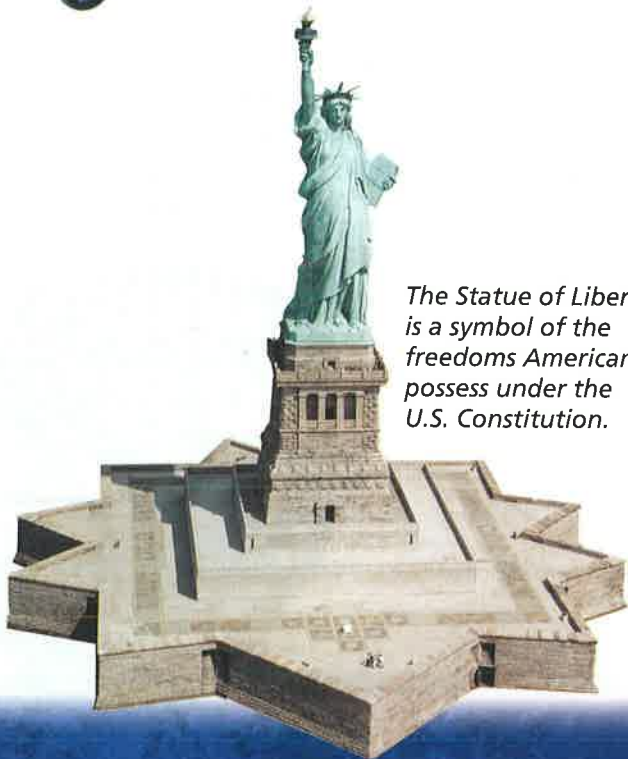
U.S. and WORLD



1861 The Civil War breaks out in the United States between the North and the South.

1886 The Statue of Liberty, a gift from France to the United States, is installed on what is now Liberty Island.

1924 U.S. citizenship is granted to all American Indians born in the United States.



The Statue of Liberty is a symbol of the freedoms Americans possess under the U.S. Constitution.

Build on What You Know

Since their state's founding, Texans have taken an active role in determining the structure of government and have participated in its day-to-day processes. Many aspects of government have changed over the years. But the state's fundamental law, the Texas Constitution, has guided the state for more than 125 years.



In 1995 Governor George W. Bush celebrated the 150th anniversary of the annexation of Texas.

1930 Texas legislators receive their first pay raise since 1876.

1955 Women are allowed to serve on Texas juries for the first time.

1974 A major attempt to adopt a new Texas constitution fails.

2000 The Texas state government employs more than 230,000 people in more than 200 agencies, with a two-year budget totaling more than \$98 billion.

1925

1933 President Franklin D. Roosevelt begins nationwide radio broadcasts, or "fireside chats," to explain his administration's policies.

1945

1945 The United Nations is established.
1954 The U.S. Supreme Court's ruling in *Brown v. Board of Education* leads to the racial integration of American public schools.

1965

1981 Sandra Day O'Connor becomes the first woman appointed to the U.S. Supreme Court.

1985

1991 The Soviet Union dissolves, and many of the republics become independent nations.

Present

You Be the Historian

Themes Journal



What's Your Opinion? Do you **agree** or **disagree** with the following statements? Support your point of view in your journal.

- **Constitutional Heritage** State constitutions rarely reflect the influence of other constitutions.
- **Government** A weak leader results in an ineffective government.
- **Economics** All government agencies should receive equal amounts of money.

As a Texan . . .

How are you affected by government?



The Texas Constitution

Read to Discover

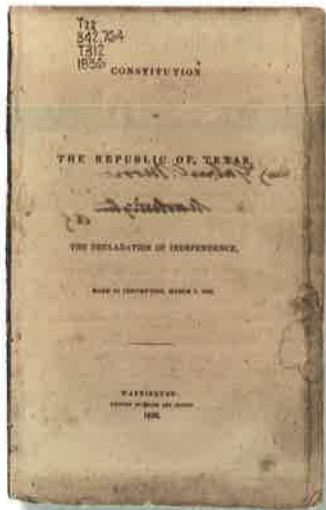
1. How have ideas from the U.S. Constitution influenced the Texas Constitution?
2. What basic principles are reflected in the Texas Constitution, and why is each one important?
3. Why does the Texas Constitution include a bill of rights?

Why It Matters Today

The Texas Constitution shapes the state government. Use CNNfyi.com or other **current events** sources to examine the relationship between government and the law. Record your findings in your journal.

Define

- popular sovereignty
- republic
- limited government
- separation of powers
- legislative branch
- executive branch
- judicial branch
- checks and balances
- veto
- override
- federalism
- bill of rights
- amendments



The Texas Declaration of Independence spelled out the problems Texans had experienced under Mexican control.

The Story Continues

On March 2, 1836, war raged in Texas. While Mexican troops laid siege to the Alamo, a group of Texas leaders in Washington-on-the-Brazos took a vote. Their decision was unanimous. Texas declared its independence from Mexico. Now began the task of forming a government. Most of these delegates were originally from the United States and were determined to form a government like that of the country they had left behind. The delegates debated for two weeks. At midnight on March 16, they concluded. The Republic of Texas had its constitution.

★ Basic Principles of Democracy

The Texas Constitution is the basis of the state's government and provides the fundamental, or basic, law of the state. The current Texas Constitution was approved in 1876 and is the fifth constitution Texas has had as a state. It is modeled after the Texas Constitution of 1845, which some national politicians considered to be the best of all state constitutions. Thomas J. Rusk headed the group that wrote the 1845 document. Rusk defined the principles he thought a constitution should express.

Texas Voices

“Our Duties here, although important, are plain and easy of performance [easy to do]. The formation of a State Constitution upon republican principles, is the only act to be performed. . . . We insert those great principles which have been sanctioned [approved] by time and experience.”

—Thomas J. Rusk, *Journals of the Convention*

The “great principles” Rusk referred to are those found in the U.S. Constitution. Today’s Texas Constitution reflects six principles found in the U.S. Constitution—popular sovereignty, limited government, separation of powers, checks and balances, federalism, and protection of individual rights.

Popular sovereignty (SAH-vruhn-tee) forms the basis of both the U.S. and Texas governments. This principle asserts that all political power comes from the people. The Texas Constitution clearly states this principle. “All political power is inherent in [natural to] the people, and all free governments are founded on their authority, and instituted [created] for their benefit.” Because Texans give the state government its authority, the constitution is sometimes called the people’s document. Its purpose is to serve Texans, protect individual rights, and promote the common good.

Popular sovereignty is a characteristic of democratic government and of a **republic**, a government in which voters elect officials to represent them and to serve in the government. These officials are then responsible to the voters. Both Texas and the United States have the republican form of government. The Texas Constitution restricts, or limits, government power. This principle is known as **limited government**. Most limits protect Texans’ individual rights. For example, the state cannot take away Texans’ right to free speech.

★ Reading Check Finding the Main Idea What documents influenced the ideas in the current Texas Constitution?

Interpreting the Visual Record

Principles of democracy. Rick Perry took an oath of office in January 1999 after being elected lieutenant governor. **What in this photo reflects the importance of the office Perry is assuming?**



Analyzing Primary Sources

Finding the Main Idea On what type of principles did Thomas J. Rusk think the Texas Constitution should be based?

GLOBAL CONNECTIONS

English Common Law

English common law—law made primarily by judges—developed from England’s early traditions and customs. Along with the 1689 English Declaration of Rights, it heavily influenced U.S. law. The Texas Constitution includes common-law principles such as the right to a jury trial and the right to bail. In 1840 Texas officially adopted common law. The state’s courts use it in combination with existing laws. As a result, English common law has had a lasting effect on Texas.

What is the legacy of English common law?

British judges



★ Balancing Governmental Power

The other principles reflected in the Texas Constitution help balance power in government. The **separation of powers** divides power among different government branches. This principle helps prevent any one branch from becoming too powerful. Article II of the Texas Constitution divides state government into three branches—legislative, executive, and judicial. This structure matches that of the U.S. government. Each branch has different powers and duties. The **legislative branch** makes the laws. The **executive branch** carries out the laws. The **judicial branch**, or court system, decides legal cases and interprets laws.

To further balance power, the Texas Constitution includes a system of **checks and balances**. Under this system, each branch has ways to check, or restrain, the other two. These checks help prevent one branch from controlling the government. For example, the governor can check the legislature by rejecting a proposed law. This rejection is called a **veto**. In turn, the legislature can check the governor with an **override**, or reversal, of a veto. These checks and balances are patterned on those found in the U.S. Constitution.

Federalism also balances power by distributing functions between a central government and regional governments. The U.S. Constitution divides authority between the federal government and state governments. For example, only the federal government can coin money. Only state governments can establish public school systems. Some powers are shared—both the federal and state governments can collect taxes.

★ **Reading Check Analyzing Information** How does the principle of federalism affect the federal and state governments?

★ The Texas Bill of Rights

The protection of individual rights is another basic principle of a republic. To protect Texans’ rights, Article I of the state constitution provides a **bill of rights**. A bill of rights outlines the civil liberties, or individual rights, that a government promises to protect. The U.S. Constitution’s Bill of Rights served as the model for the first Texas Bill of Rights.

The state’s bill of rights includes several rights and freedoms. The freedoms of speech and of the press protect Texans’ right to express their ideas and opinions. The freedom of worship protects Texans’ right to practice whatever religion they choose. Several rights relate to crime. Some protect the rights of the victims of crime, while others protect the rights of people accused of crimes. For example, the Texas Bill of Rights ensures Texans’ right to a trial by jury. The bill of rights concludes by declaring that the state can never take away these basic rights.

★ **Reading Check Supporting a Point of View** Explain why you think the Texas Bill of Rights is important.

★ Changing the Constitution

Like the U.S. Constitution, the Texas Constitution is a flexible document. It can be changed to address citizens' needs and views. Additions, changes, and corrections to a constitution are called **amendments**. For example, in 1995 a constitutional amendment was passed to increase the amount of state funds set aside for educational loans.

The political climate of the 1870s strongly affected the current Texas Constitution. Its writers wanted to set limits on the power of the state government. So they created a constitution that restricts the state government's powers. In many cases the state must ask the permission of the voters to take on new activities.

Some changes require voters to approve amendments to the constitution. Article XVII of the Texas Constitution provides the method for changing the document. A member of the Texas legislature can propose an amendment. Next, two thirds of the members of each chamber must approve the amendment. Last, a majority of Texans must vote to pass the amendment. Since 1876 the Texas Constitution has been amended about 400 times. In comparison, the U.S. Constitution has only 27 amendments.

The Texas Constitution has been the basic law of the state for more than 125 years. On three occasions, organized efforts have been made to replace the constitution entirely. These efforts—put forth in 1917, 1919, and 1972—were all defeated.



Texas House of Representatives Speaker James E. "Pete" Laney signs a bill.

★ Reading Check Drawing Inferences and Conclusions Why might people consider the Texas Constitution to be a living document?

★ Section 1 Review

★ TEKS Questions 1, 2, 3a, 3b, 4

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keyword: ST3 HP30

1 Define and explain:

- popular sovereignty
- republic
- limited government
- separation of powers
- legislative branch
- executive branch
- judicial branch
- checks and balances
- veto
- override
- federalism
- bill of rights
- amendments

2 Summarizing

Copy the chart below. Use it to explain the importance of the basic principles in the Texas Constitution.

Texas Constitution
1.
2.
3.
4.
5.
6.

3 Finding the Main Idea

- In what ways have ideas from the U.S. Constitution influenced the Texas Constitution?
- What is the purpose of the Texas Bill of Rights?

4 Writing and Critical Thinking

Supporting a Point of View Imagine that you are attending a constitutional convention. Write a short speech explaining which two individual rights you think are most important and why.

Consider the following:

- who holds the power in a republic
- why a bill of rights is important

TAKS

The Texas Legislature

Read to Discover

1. What are the Texas legislature's powers and duties?
2. How does a bill become a law?

Why It Matters Today

Texans can influence the laws that the state legislature passes. Use CNNfyi.com or other **current events** sources to learn how the Texas legislature or U.S. Congress works today. Record your findings in your journal.

Define

- bicameral
- sessions
- bill
- conference committee



During Reconstruction, U.S. Army soldiers stayed in this Austin house.

The Story Continues

After the Civil War the U.S. Army took control of Texas. In 1870 military control ended. General Joseph J. Reynolds, the commanding officer, expressed his relief. He addressed the Texas legislature. “Here, take your state and run it. . . . I feel like a great weight has been lifted from me; . . . I am through with the heaviest contract [task] I ever undertook.”

★ The Two Houses

Article III of the Texas Constitution describes the legislative branch, which makes the laws that govern the state. Like the U.S. Congress, the Texas legislature is **bicameral**—made up of two houses: the House of Representatives and the Senate. The House has 150 members, called representatives, who serve two-year terms. The Senate has 31 members, called senators, who serve four-year terms.

Each representative and senator represents Texans in a particular district. Each type of district is sized to contain roughly the same number of people. Thus, all Texans have equal representation in the legislature. Every 10 years, the legislature uses the new census, or population count, to adjust the size of the districts. As of the 2000 census, each House member represented approximately 135,000 Texans. Each senator represented on average 655,000 Texans.

To serve as legislators, Texans must meet several requirements. All legislators must be residents of their election districts for at least one year before running for office. In addition, representatives must be at



least 21 years old and have been Texas citizens for two years. Senators must be at least 26 years old and have been Texas citizens for five years. Legislators receive a salary of \$7,200 per year. The Texas Constitution sets this sum. As a result, an amendment is necessary to change it. Legislators also receive money to cover work-related expenses.

★ Reading Check Categorizing What are the requirements and duties of Texas representatives and Texas senators?

★ Legislative Duties and Powers

Legislators serve the people in their districts, primarily by making laws. Some of the most important laws involve raising and spending public funds. Legislators can pass laws to spend and borrow money and to raise funds through taxes. Both houses have this “power of the purse.” However, laws that raise money must originate in the House.

The legislature has several other duties and powers. Legislators can propose constitutional amendments. The Senate must approve all executive appointments. The legislature also has the power to impeach, or bring charges against, judges and executive officials. Impeachment is a two-step process. First, the House of Representatives brings impeachment charges against an official. If the House votes to impeach, the Senate then puts the official on trial. If the trial ends in a conviction, the legislature removes the official from office. The best-known case is the impeachment and conviction of Governor James Ferguson in 1917.

The Texas legislature does most of its work during periods called **sessions**. These sessions are held starting on the second Tuesday of January in odd-numbered years. Regular sessions last for up to 140 days. The governor can call special sessions of the legislature when necessary. A special session may last up to 30 days. The governor specifies the topics, such as the state budget, for the session.

★ Reading Check Summarizing What are the legislature’s main powers and duties?

Biography



Thomas J. Lee (1923–)

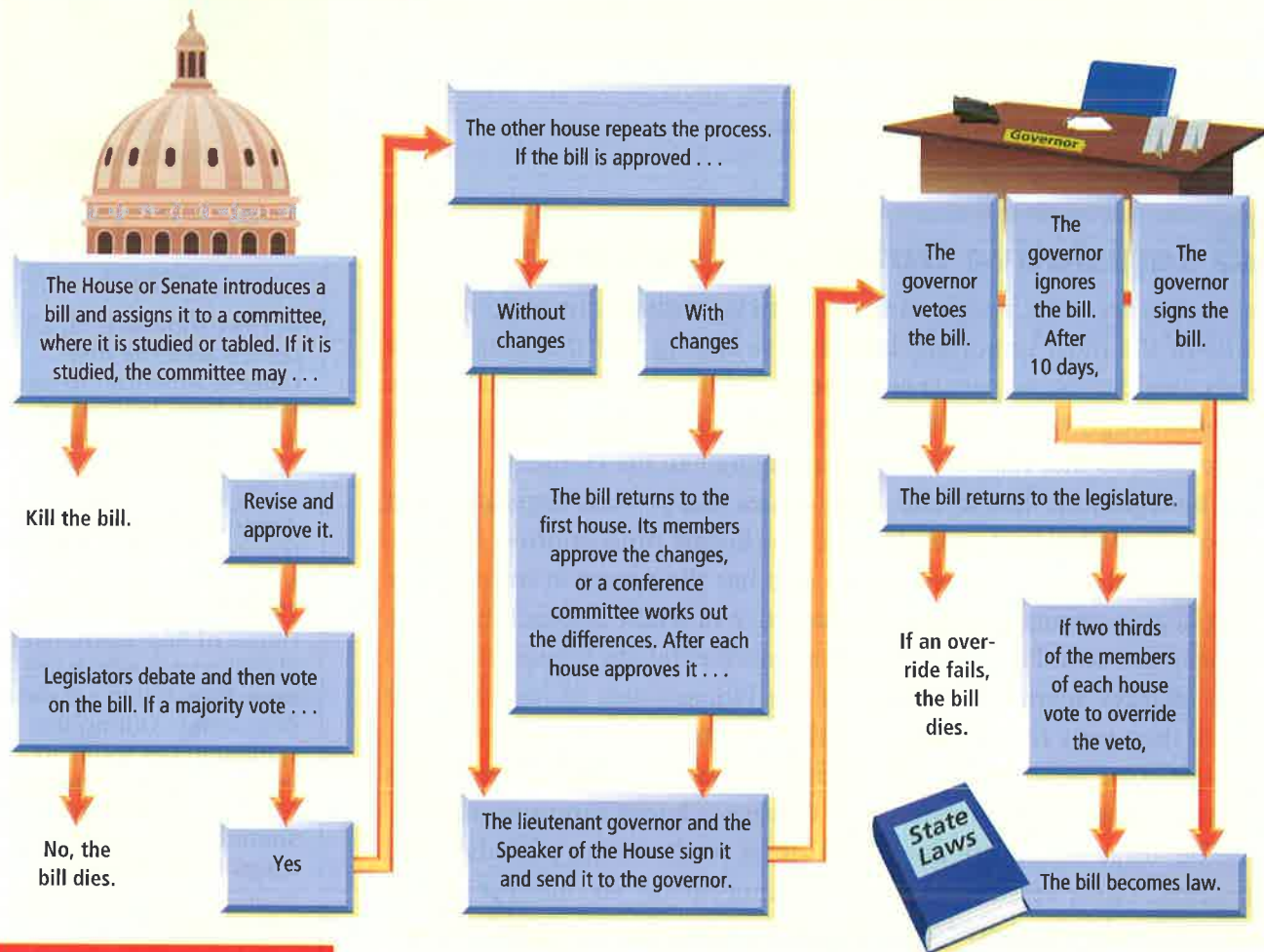
In 1964 Thomas J. “T. J.” Lee became the first Chinese American to serve in the Texas legislature. After emigrating from China, his family eventually settled in San Antonio. Lee earned a law degree and became a successful attorney. In 1964 he ran for the Texas House of Representatives. The district in which Lee campaigned had a diverse population. During the campaign Lee spoke to voters in three languages: Chinese, English, and Spanish. **How might speaking in three languages have helped Lee get elected?**

The Texas legislature meets in the Capitol, where each house has its own chamber.



How a Bill Becomes a Law in Texas

Before a bill can become a law, it must pass through several committees, votes, and potential changes.



Visualizing History

- Government** What options does the governor have after the legislature approves a bill? **TEKS**
- Connecting to Today** How do you think this process affects your life today? **TEKS**



How a Bill Becomes a Law

The lawmaking process is complex. The leaders in each of the houses have a great deal of power. They have the ability to set the agenda and can influence which **bill**, or proposed law, gets considered. The leader of the House of Representatives is the Speaker of the House. Representatives elect the Speaker. The leader, or president, of the Senate is the lieutenant governor. This person, although involved with the legislature, is officially part of the executive branch.

Most of the duties of both the Speaker and lieutenant governor involve committees, or working groups. The leaders appoint all committee members and chairpersons. The Speaker and lieutenant governor also assign all bills to these committees. The committees consider,

or study, the bills and decide which ones to recommend to the entire house. Each committee focuses on a specific area, such as education or finance. As a result, some committees are more powerful than others. Committees that meet during sessions are called standing committees. Those that meet between sessions are called interim committees.

In most cases, legislators in either house can create a bill. A clerk then reads the title of the bill aloud to the members of that house. Next, the house leader assigns the bill to a committee. The committee chairperson can table, or refuse to examine, the bill. Otherwise, the committee then studies the bill and sometimes changes it. Committee members may also hear citizens' opinions about the bill. After discussion, the committee approves or rejects the bill. A rejected bill "dies."

If the committee approves the bill, the entire house debates it and votes on the bill. If it is approved, the entire process repeats in the other house. The other house can reject the bill—in which case it dies—or approve the bill and send it to the governor. Or, the other house can approve a revised version of the bill. In this case, the two houses usually hold a **conference committee**. This committee works to revise the bill to satisfy both houses. After the committee is finished, both houses vote again on the bill. An approved bill then goes to the governor.

The governor can deal with a bill in three ways. He or she can sign the bill, in which case it becomes law. If the governor ignores the bill, it automatically becomes law after 10 days. The governor can also veto the bill. A vetoed bill returns to the legislature, which can then override the veto. If two thirds of the members of each house vote to override a veto, the bill becomes law. However, the legislature must be in session to do so. Of the thousands of bills proposed each session, fewer than half become law.

★ Reading Check Sequencing What are the steps that occur for a bill to become a law?



That's Interesting!

High-Tech Government

The Texas Capitol was built between 1882 and 1888, long before computers or other high-tech devices. In 1995 the state updated the Capitol with modern technology. The House chamber now has computers that representatives can use to quickly review the status of any bill. In the Senate, a computerized board records each member's votes.



Section 2 Review

★ TEKS Questions 2, 3a, 3b, 4

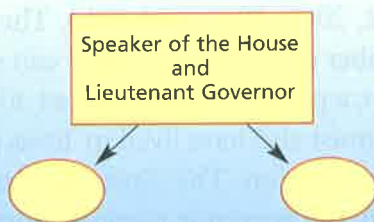
go.hrw.com Homework Practice Online
keyword: ST3 HP30

1 Define and explain:

- bicameral
- sessions
- bill
- conference committee

2 Analyzing Information

Copy the graphic organizer below. Use it to identify two duties of the Speaker of the House and the lieutenant governor.



3 Finding the Main Idea

- What is the main power of the legislature, and what other powers does it have?
- List some of the steps involved in a bill becoming a law.

4 Writing and Critical Thinking

Summarizing Imagine that you are writing a letter to a friend in another state. Explain how the Texas legislature serves as the voice of the state's citizens.

Consider the following:

- the principle of popular sovereignty
- the powers and duties of the legislature





The Texas Executive



Read to Discover

1. What are the governor's primary powers and duties?
2. What officials and agencies make up the executive branch?

Define

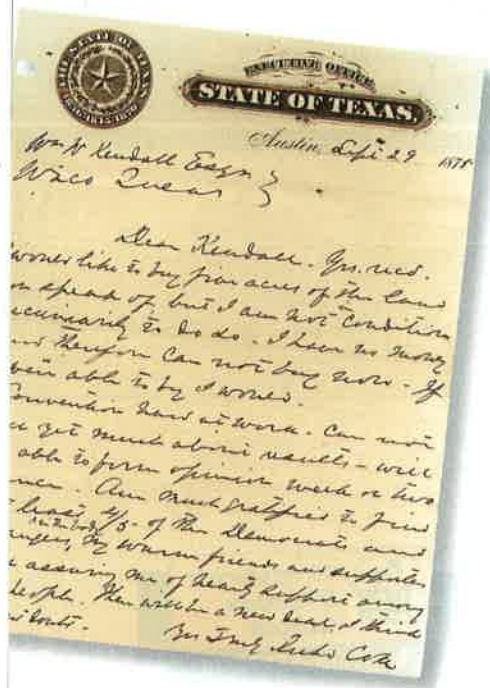
- line-item veto
- pardon

Why It Matters Today

The decisions the governor makes affect Texans in many ways. Use CNNfyi.com or other **current events** sources to find information about a state governor or national leader today. Record your findings in your journal.

The Story Continues

During Reconstruction Texas governors had greater power than they do today. A controversy arose in the 1870s when Republican governor Edmund J. Davis lost his bid for re-election in 1873 and claimed that the election was corrupt. Richard Coke, the Democrat who had won the election, disagreed. Despite a court ruling in Davis's favor, a standoff took place in the Texas Capitol. After the state militia sided with Coke, Davis gave up. In 1875, delegates met to write a new state constitution. They decided they would prevent a governor from ever being as powerful as Davis had been.



The state seal is in the upper left corner of this 1875 letter written by Richard Coke.

The Governor

Article IV of the Texas Constitution describes the executive branch. This branch enforces the laws passed by the legislature. It also manages and conducts the daily business of the state. The branch's highest and best-known official is the governor, who is elected every four years. These elections occur in even-numbered years that do not have presidential elections, such as 2002, 2006, 2010, and 2014. The Texas Constitution does not limit the number of terms a governor can serve.

To run for governor, a person must be at least 30 years old and a U.S. citizen. The candidate must also have lived in Texas for at least five years immediately before the election. The Texas legislature sets the governor's salary. As of 2000, the governor receives more than \$115,000 per

year. The state also provides the governor with a house, a staff, and money for job-related expenses.

★ Reading Check Finding the Main Idea What state government official heads the executive branch in Texas?

★ The Powers and Duties of the Governor

The governor's powers involve the management of the state. He or she oversees many of the state's agencies, boards, and commissions and appoints officials to these agencies. During one term, a governor appoints some 3,000 officials. These appointments include the secretary of state, who oversees elections. The Senate must approve most appointments. The governor has the power to remove appointed officials from office with the Senate's approval. Because the 1876 constitution limits many of the governor's powers, Texas is said to have a weak governor.

An informal but important executive power is the governor's role as "first citizen" of Texas. In this role, the governor represents Texas at state functions and presents awards to outstanding Texans. The governor also issues proclamations, such as declaring a site a disaster area after a flood or a tornado. The governor also serves as the state's leader. His or her main job is to guide the state into the future. George W. Bush was twice elected governor of Texas.

Texas Voices

"Every vote cast [in an election] is a hope. A hope that a child will get a good education. A hope that a neighborhood will be free from . . . crime. A hope that the years ahead will bring a better life."

—Texas governor George W. Bush, 1999 Inaugural Address

★ Reading Check Summarizing What are the governor's executive powers?

Biography



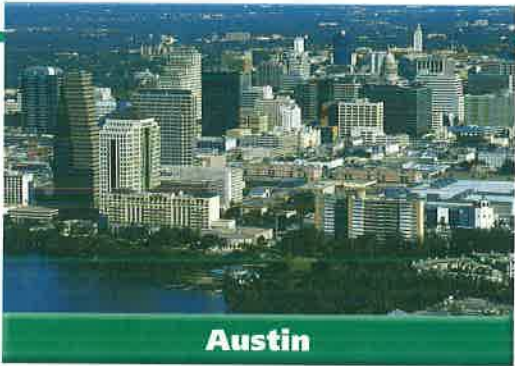
Ann Richards (1933–)

Ann Richards was born during the Great Depression and grew up near Waco. Her parents were poor and taught her the value of hard work. "I believed I could do anything," Richards said. Richards started her career as a teacher. She entered politics and became state treasurer in 1983. Then in 1988 Richards captured the national spotlight when she spoke at the Democratic National Convention. She won the governor's office in 1990, becoming the second female governor in Texas history. **What political offices has Richards held?**



George W. Bush left his position as governor of Texas to become president of the United States.

Texas Cities



History: When settlers first arrived in the Austin area about 1835, Tonkawa Indians lived in the region. In 1839 the city was chosen as the new capital of the Republic of Texas. Edwin Waller, the first mayor, designed the original plan for the city. The grid pattern of Waller's plan is still visible in the layout of downtown.

Population in 2000: 656,562

Relative location: On the Colorado River, 75 miles northeast of San Antonio

Region: Edge of the Edwards Plateau; subregion of the Great Plains

County: County seat of Travis County

Special feature: The capital of Texas

Origin of name: Named for Stephen F. Austin

Economy: The state government employs a large part of Austin's workforce. The University of Texas also employs many people in the Austin area. In recent years, the city has become a center for high-tech industries and for research. Of the area's largest employers, 7 of 10 produce computer-related equipment.



★ Other Responsibilities

Every two years, the governor submits a budget proposal to the state legislature. This budget has little effect on the final version, however, because the legislature writes the budget bill. This limited financial control represents one of the weaknesses of the governor's office.

The Texas legislature has more power than the governor. However, the governor can influence the legislature in several ways. The governor can speak to the legislature and urge it to take certain actions. The governor does this in a "State of the State" address at the beginning of each legislative session. The governor gives the speech again when leaving office. The legislature may ignore the governor's suggestions, but a governor with a powerful personality can have a strong impact. For example, in 1891 Governor James Stephen Hogg urged the legislature to establish a railroad commission. Despite strong opposition, the legislature created the agency, now one of the state's most powerful.

The governor can also strongly influence the legislature by calling a special session. The legislature may deal only with topics specified by the governor. The Texas Constitution does not limit the number of special sessions a governor may call.

The governor's strongest legislative check is the veto. Because overrides rarely occur, the governor can often influence a bill's content by threatening a veto. The governor also has a **line-item veto**. This is the power to delete specific lines, or parts, of budget bills. This power increases the governor's influence on how state money is spent.

The governor also has responsibilities that involve the judicial branch. The governor appoints judges when vacancies occur. On the recommendation of the Board of Pardons and Paroles, the governor can also

pardon, or free, people convicted of crimes. In addition, the governor can grant a 30-day reprieve, or delay, to a person facing the death penalty.

The governor also has duties involving the military. As commander in chief of the state's military, the governor can mobilize the Texas National Guard in times of crisis. The governor can also declare martial law, putting an area under military control.



Reading Check Analyzing Information List the governor's responsibilities.

★ Executive Officials and Agencies

The executive branch includes other elected officials besides the governor. Because they are not appointed, these officials are not under the governor's control. The lieutenant governor is one of the most important executive officials. This official serves a four-year term. His or her main duty is to act as the leader of the Texas Senate. The lieutenant governor also chairs the powerful Legislative Budget Board. These duties can give the lieutenant governor more power than the governor. The lieutenant governor also serves as acting governor when the governor is out of Texas.

The other senior executive officials provide important state services. The attorney general gives legal advice and represents Texas in certain court cases. The comptroller of public accounts oversees the collection of taxes. The commissioner of agriculture enforces agricultural laws and aids farmers. The commissioner of the General Land Office manages the state's land and mineral rights.

The executive branch also includes some 200 agencies, boards, and commissions. These departments enforce state laws and provide Texans with various services. The Texas Railroad Commission is one of the most important. The agency originally regulated the state's railroads when it was formed in 1891. Today it regulates the oil, natural gas, and mining industries in Texas. One of the largest agencies is the Department of Mental Health and Mental Retardation. This agency provides services to Texans who are mentally ill or disabled. These numerous agencies and officials help keep the state government running smoothly.

★ Reading Check Comparing In what ways are the offices of governor and lieutenant governor similar?

★ LONE STAR LEGACY

The Texas Capitol

The Capitol Building in Austin took six years to build and was finished in 1888. The Texas Capitol is modeled after the U.S. Capitol in Washington, D.C. As with that building, a dome forms the top. On this dome stands a statue named the Goddess of Liberty. Whereas the national Capitol is white, the Texas Capitol is made from red granite from Marble Falls. The building is also the largest state capitol. It covers about 2.5 acres and is more than 300 feet tall. **How is the Texas Capitol similar to and different from the U.S. Capitol?**



★ Section 3 Review

★ TEKS Questions 2, 3a, 3b, 4

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1 Define and explain:

- line-item veto
- pardon

2 Categorizing

Copy the graphic organizer below. Use it to describe the primary duties and powers of each part of the executive branch.



3 Finding the Main Idea

- Excluding the veto, which of the governor's powers do you believe is the most important? Why?
- Name two executive agencies and describe the services those agencies provide.

4 Writing and Critical Thinking

Analyzing Information Write a paragraph about the governor's importance as leader of Texas. Consider the following:

- the governor's role as "first citizen" of Texas
- the governor's role in directing state policy and planning



The Texas Judiciary

Read to Discover

1. How is the Texas court system structured?
2. What role do juries play within the judicial system?

Why It Matters Today

Many Texans will appear in one of the courts of the state at least once in their lives. Use CNNfyi.com or other **current events** sources to find information about a recent trial or court ruling. Record your findings in your journal.

Define

- civil law
- criminal law
- misdemeanors
- felonies
- trial courts
- appellate courts
- judicial review
- grand jury
- petit jury

The Story Continues



These women served as Texas Supreme Court justices for one case after the regular judges disqualified themselves.

Governor Pat Neff had a problem. An important case had come before the Texas Supreme Court. However, every one of the justices had a personal interest in the case. Neff decided to appoint three women to serve as a temporary court. In January 1925, the only all-woman Supreme Court in Texas history met. The court heard the case, ruled on it, and then disbanded. More than 50 years passed before a woman served full-time on the high court.



Judges and Courts

Article V of the Texas Constitution describes the judiciary. This branch makes up the state's court system. The Texas courts decide legal cases by interpreting and applying the law. More than 2,500 judges hear cases in some 3,000 Texas courts. Most of these officials are elected. Texas judges serve either four- or six-year terms. Although the qualifications for judges vary, all judges must be U.S. citizens and residents of Texas.

Judges can be removed from office if they break the law or cannot perform their duties. The Texas Constitution provides three ways to remove judges. The state legislature can impeach a judge. The legislature can ask the governor to remove a judge. Finally, the Texas Supreme Court can remove district judges. The governor appoints new judges to fill vacancies that occur because of death, removal, or retirement. Appointed judges serve until the next general election.

The Texas courts hear millions of cases each year involving either **civil law** or **criminal law**. Civil cases are legal disputes between individuals. Criminal cases are brought by the government against persons accused of crimes. **Misdemeanors** are minor crimes, such as littering or speeding, and **felonies** are major crimes, such as robbery or murder. Many defendants—people accused of crimes—plea bargain, or agree to admit guilt in exchange for a lighter punishment.

★ TEKS **Reading Check Finding the Main Idea** What is the main role of the judicial branch?



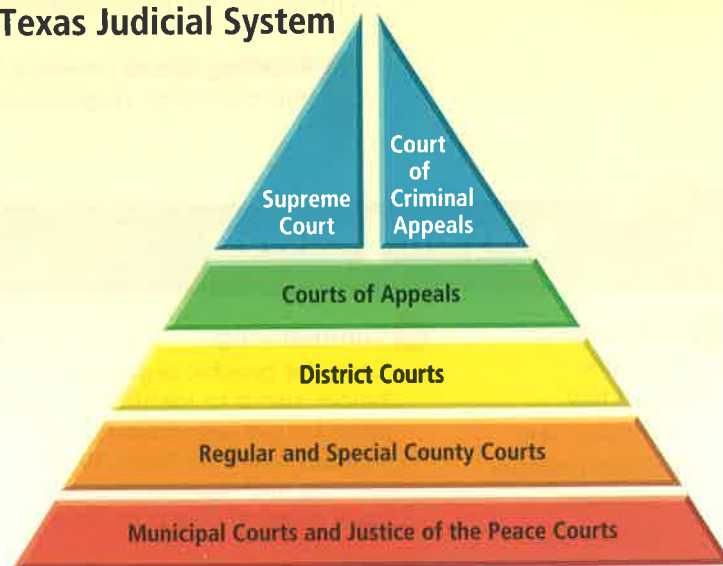
Seal of the Texas Supreme Court

★ The Structure of the Texas Courts

Cases that do go to trial are heard in one of the state's many **trial courts**, which hear new cases and give a verdict, or ruling. Texas has three levels of trial courts. Each level has a specific jurisdiction, or authority to hear certain types of cases. Municipal courts and justice of the peace courts hear misdemeanor cases punishable by fines. Justice of the peace courts hear civil cases that involve sums less than \$5,000. Each county has at least one county court, called a constitutional county court. These courts hear more serious misdemeanor cases and civil cases involving amounts between \$200 and \$5,000. Many counties also have county courts at law. The jurisdiction of these courts varies greatly by county. District courts are the third level of trial courts. They hear all civil cases involving sums greater than \$5,000, divorce cases, and some misdemeanor cases. District courts also hear all felony cases. Several Texas cities have separate district courts for criminal, family-law, and civil cases.

Appellate courts review trials to determine whether correct procedures were followed. Based on its review of a case, an appellate court may order a new trial or overturn a trial's verdict. Texas has two levels of appellate courts. The first level consists of 14 courts of appeals that review cases from district and county courts. The Supreme Court and the Court of Criminal Appeals are the state's highest courts. They mainly review the rulings of the appellate courts. The Supreme Court reviews civil cases. The Court of Criminal Appeals reviews criminal cases and all cases involving the death penalty.

Texas Judicial System



TAKS Skills Interpreting Charts The Texas judicial system is complex, with several thousand courts. What are the highest courts in the Texas judicial system? **★ TEKS**



Interpreting the Visual Record

Jury duty. Members of a jury hand down a verdict at the end of a trial. **Looking at this image, how do you think juries gather the information they need to reach a verdict?**

Both high courts also have the power to judge the constitutionality of a law. This power is called **judicial review** and provides a check on the other two branches of government. In addition, the two high courts have the power to interpret the Texas Constitution when disagreements arise as to the constitution's meaning. Their interpretations affect how the constitution is applied. These two powers give the judicial branch an important role in state government.

★ Reading Check Analyzing Information How does judicial review reflect the principle of checks and balances in the Texas Constitution?

★ The Jury System

Texas courts use two types of juries. A **grand jury** decides whether a person accused of a felony should be indicted. An indictment is a formal charge of a crime. Grand juries consist of 12 people. Nine must vote to indict for a felony case to go to trial. A **petit jury** (PE-tee) decides the verdict in a trial.

The Texas Bill of Rights guarantees all Texans the right to a trial by jury. Juries give the accused the chance to have citizens decide their case. Defendants can decline their right to a jury trial. As a result, judges rule on many trials. Juries also give Texans a way to participate in the legal system. Texans must meet several requirements to serve on a jury. For example, jurors must be qualified to vote. Jurors must be able to read and write English. They cannot have been convicted of a theft or felony. Juries are an important part of the state's judicial system.

★ Reading Check Drawing Inferences and Conclusions Why is jury duty an important civic responsibility?

★ Section 4 Review

★ TEKS Questions 2, 3a, 3b, 4

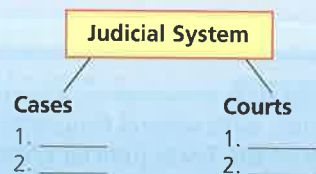
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keyword: ST3 HP30

1 Define and explain:

- civil law
- criminal law
- misdemeanors
- felonies
- trial courts
- appellate courts
- judicial review
- grand jury
- petit jury

2 Summarizing

Copy the graphic organizer below. Use it to identify and describe the two main types of cases heard in Texas. Next, identify and describe the two main types of courts in Texas.



3 Finding the Main Idea

- a. What are the two highest courts in Texas, and what cases do they hear?
- b. What is the role of each type of jury?

4 Writing and Critical Thinking



Evaluating Write a paragraph explaining why serving on juries is an important civic duty.

Consider the following:

- the right to a trial by jury
- the importance of the jury system

Section

5

The State Budget and Public Education

Read to Discover

1. How is the Texas budget prepared, and what are the state's major sources of revenue?
2. How is Texas public education structured and governed?

Why It Matters Today

Many Texans are affected when the government raises taxes or cuts services. Use CNNfyi.com or other **current events** sources to find information related to taxes or government spending today. Record your findings in your journal.

Define

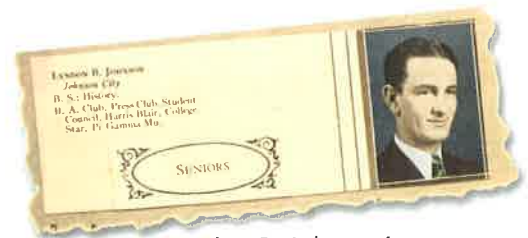
- appropriation bill
- revenue

Identify

- Office of Budget and Planning
- Legislative Budget Board

The Story Continues

In 1927 a young Texan named Lyndon B. Johnson began attending Southwest Texas State Teachers College. He had little money. To pay for his schooling, he worked as a janitor and a secretary. Johnson graduated in 1930. He would go on to become the 36th U.S. president. For Texans like Johnson, state colleges make obtaining a higher education possible.



Lyndon B. Johnson's experiences as a student and teacher influenced his work as a member of Congress and as president.

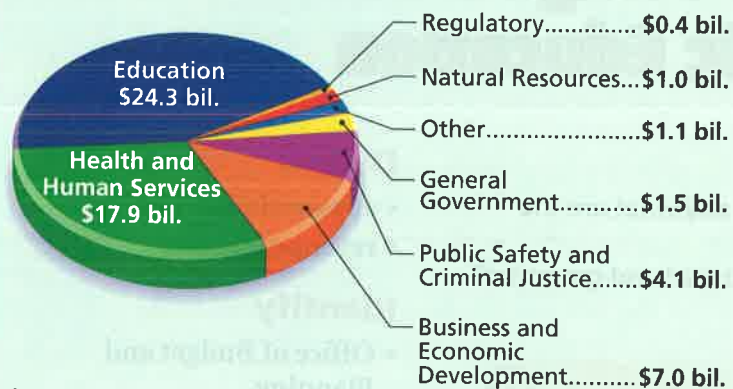
★ The State Budget

State funding helps keep tuitions low at public colleges. As a result, more Texans can afford college. For the years 2000 and 2001, the Texas budget gave more than \$12 billion to higher education. The Texas state government requires billions of dollars to function. The cost of government for 2000 and 2001 totaled \$98.1 billion. The state budget specifies how much of this money will go to different parts of the government.

Texas uses a biennial, or two-year, budget. Every two years all state agencies and offices prepare funding requests. These requests go to two state agencies. One is the **Office of Budget and Planning**, which is part of the executive branch. The other and more powerful agency is the **Legislative Budget Board**. It includes nine senior legislators and the lieutenant governor, who chairs the board. The two agencies analyze

Texas State Budget, 2002

Total State Budget: \$57.3 Billion



Source: Legislative Budget Board

TAKS Skills *Interpreting Charts* One of the primary tasks of the Texas legislature is determining how the state government will spend its money. What area received the most funding in 2002?

funding requests and send a budget proposal to the Senate Finance Committee and to the House Appropriations Committee. The two committees study the proposals independently, and each recommends a budget to its house. Each house then prepares and approves an **appropriation bill**. This spending bill is the state budget. Both houses must then pass a final version of the bill.

The budget bill then goes to the Texas comptroller of public accounts. This official determines whether the state will receive enough **revenue**, or income, to cover the budget. The Texas Constitution requires a balanced budget—that is,

one in which spending does not exceed income. Once the comptroller approves the budget bill, it goes to the governor to be signed.

Reading Check Summarizing What steps does the Texas budget go through to get approved?

★ Revenue and Spending

The Texas state government obtains the billions of dollars it needs from several sources. In 2000 the sales tax made up about 55 percent of the state's tax revenue. The sales tax gives the state a small percentage of the price of many goods and services. This tax is taken at the time of sale. Three other important taxes contributed about 15 percent of the state's income. The motor fuels tax and the vehicle sales and rental tax each raised more than \$2.6 billion in 2000. The franchise tax, which applies to corporations based in Texas, raised some \$2 billion. Much of the rest of the state's income comes from federal grants. In 2000 Texas received almost \$15 billion from the federal government. Other sources of revenue include investments, license fees, and lottery fees.

State funds are used to build highways, pay state employees, and provide many other public services. The two areas that receive the most state money are health and human services and education. In 2000 Texas spent about \$16 billion on health and human services. These services include medical treatment and other services for Texans in need. That same year the government spent some \$19 billion on education.

Reading Check Finding the Main Idea What are the major sources of revenue for state government?



Restaurants and other businesses are required by the state of Texas to display their sales tax permits.

★ Texas Public Education

Article VII of the Texas Constitution requires the legislature to maintain “an efficient system of public free schools.” Some 4 million students attend Texas public schools. State and local government contribute the most financial support to schools. The state provides money through the Permanent School Fund. This fund receives money from state taxes and investments. Local property taxes contribute heavily to school funding. The federal government also provides some funds. Much of this money funds specialized programs such as job training.

The administration of Texas public schools is divided between state and local governments. Although its role in education is limited, the federal government can occasionally get involved. For example, in the mid-1950s the federal courts ordered all public schools to integrate.

At the state level, the Texas legislature passes the laws governing public schools, including the subjects they teach. Two state agencies assist the legislature with these matters. The Texas Board of Education sets education policy and reviews textbooks for use in schools. This board has 15 elected members. The Texas Education Agency puts education policy into effect. This agency reviews standards for learning materials, schools, and teacher certification. The governor appoints a commissioner of education to direct this agency.

More than 1,000 independent school districts run schools at the local level. Boards of trustees or school boards govern these districts. School boards arrange for school construction, select textbooks, and set property tax rates. They also hire superintendents to run the day-to-day business of the school district. By providing a strong system of public education, Texans hope to ensure a successful future for their state.

★ **Reading Check Summarizing** How are Texas public schools funded?

LINKING PAST to PRESENT

Texas School Days

In the days when most children lived on farms, the school year was much shorter than it is today. Schools had long summer breaks because that was when farmers were busiest. In 1915 a Texas law required children aged 8 to 14 to attend school 100 days a year. Today school-age children in Texas are required to attend school at least 180 days a year. Some Texas schools have gone to year-round schedules. In such schools, the traditional summer break is divided into several two- to three-week vacations.

How did the state's farm-based economy affect the development of the Texas school year? ★ TEKS



★ Section 5 Review

★ TEKS Questions 3, 4a, 4b, 5

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1 Define and explain:

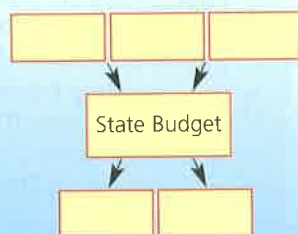
- appropriation bill
- revenue

2 Identify and explain:

- Office of Budget and Planning
- Legislative Budget Board

3 Categorizing

Copy the graphic organizer below. Use it to identify three major sources of state revenue and two major areas of state spending.



4 Finding the Main Idea

- List in order the steps involved in preparing the state budget.
- How are public schools in Texas structured and governed?

5 Writing and Critical Thinking


Supporting a Point of View Write a letter to the legislature and try to persuade it to increase the budget for education.

Consider the following:

- the line-item veto
- the importance of education



The Chapter at a Glance

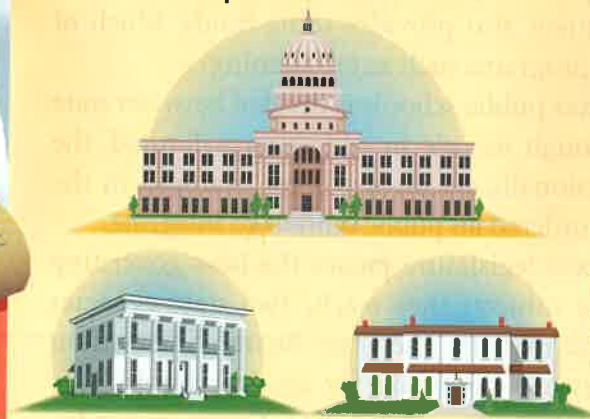
Examine the following visual summary of the chapter. Then use the visual to pose and answer questions about the structure and function of the government of Texas. 

The Texas Constitution



The Texas Constitution forms the foundation for the state government. It establishes a republican form of government with limited powers.

The Separation of Powers



The state constitution balances the powers of government between three different branches. The legislature enacts laws. The executive administers them. The judiciary interprets the laws and determines whether the laws are constitutional.

The Texas Budget



The legislature sets the state's budget. Much of the budget is devoted to education. The state helps local school boards pay for educational expenses.

Identifying People and Ideas 

Use each of the following terms or people in historically significant sentences.

- | | |
|-------------------------|------------------------|
| 1. popular sovereignty | 6. bill of rights |
| 2. limited government | 7. bicameral |
| 3. separation of powers | 8. line-item veto |
| 4. checks and balances | 9. appellate courts |
| 5. federalism | 10. appropriation bill |

Understanding Main Ideas 

Section 1 (pp. 640–643)

- What six basic principles are reflected in the Texas Constitution?
- How does the Texas Constitution protect the individual rights of Texans?

Section 2 (pp. 644–647)

- Describe the legislature's structure and its powers and duties.

Section 3 (pp. 648–651)

- List some of the governor's powers.

Section 4 (pp. 652–654)

- What is the basic structure of the Texas courts?

Section 5 (pp. 655–657)

- What are the largest sources of state revenue?

- Describe the structure of the state's public education system.

You Be the Historian 

Reviewing Themes

- Constitutional Heritage** How was the Texas Constitution influenced by ideas found in the U.S. Constitution? Why do you think the two documents have similarities?
- Government** What are some of the advantages and disadvantages of having a weak governor?
- Economics** Name the public service that you think should receive most state funds. Give three reasons to support your choice.



TAKS

Practice: Thinking Critically 

- Evaluating** Do you think Texas judges should be elected by the public or appointed by the governor? Explain your answer.
- Contrasting** Explain how the powers of the judiciary differ from those of the executive branch and legislature.
- Summarizing** Describe the structure of the state government.

Interpreting Political Cartoons

Study the political cartoon below. Then use the information in the cartoon to help you answer the questions that follow.



TOUGH BIRD TO CARVE, 1961

1. What is the main point of the cartoon?
 - a. Redistricting will be easy.
 - b. Creating new districts will be difficult.
 - c. Few people are aware of what is involved in the redistricting process.
 - d. Political parties rarely disagree during the redistricting process.

2. What issues might arise during the redistricting process?

Analyzing Primary Sources ★ TEKS

Read the following quote from Ann Richards, taken from her inaugural address, January 15, 1991. Then answer the questions.

“Today, we have a vision of a Texas where the government treats every citizen with respect and dignity and honesty, where consumers are protected, where business is . . . valued, where good jobs are plentiful, where those in need find compassion and help, where every decision is measured against a high standard of ethics and true commitment to the public trust. . . . Nothing is more fundamentally important to me than the understanding that this administration exists to serve the taxpayers. . . . Service to the people is government’s bottom line.”

3. Which of the following statements best describes Ann Richards’s point of view?
 - a. Government is too large.
 - b. Government should serve the people.
 - c. Government exists to strictly regulate business behavior.
 - d. Government should not help the poor.

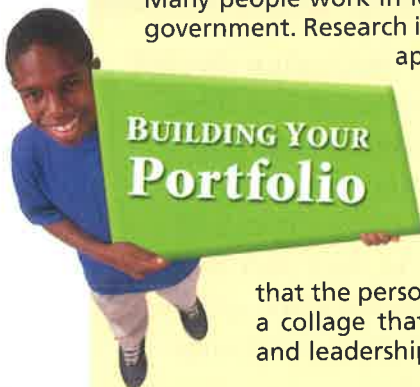
4. What do you think Richards means when she says that the “government’s bottom line” is to serve the people?

Alternative Assessment

Linking to Community ★ TEKS

Many people work in leadership positions in the state government. Research information about an elected or appointed leader of Texas, such as the governor, the secretary of state, a legislator, or a judge. Find out if the person was elected or appointed to office. Determine what the official’s duties are and identify the leadership qualities

that the person brings to the job. Then create a collage that illustrates the person’s duties and leadership qualities for the class.



internet connect

Internet Activity: go.hrw.com
KEYWORD: ST3 TX30 ★ TEKS

Access the Internet through the HRW Go site to research the state’s government. Then create a visual display or model on the structure and function of Texas government. Include information on the Texas Constitution, the branches of government, the major state agencies, and the specific powers and duties of each branch or agency. Include drawings, photographs, or 3-D models.

