

SEVEN PRINCIPLES OF THE UNITED STATES AND TEXAS CONSTITUTIONS



<u>Constitutional Principle</u>	<u>Explanation</u>	<u>Examples of How and Where it is Achieved</u>	<u>Participant Question</u>
Popular Sovereignty	Ultimate power and final authority rest with “we the people” or all the citizens	The Preamble to the U. S. Constitution states: “We the People of the United States do ordain and establish this Constitution for the United States of America.” Citizenship is defined in the 14 th Amendment added to the Constitution after the Civil War in 1868. The right to vote was extended to women by the 19 th Amendment added in 1920 and to those 18 or older by the 26 th Amendment added in 1971.	



Popular Sovereignty	Ultimate power and final authority rest with the people.	The Preamble to the Texas Constitution states: “Humbly invoking the Blessings of Almighty God, the people of the state of Texas, do ordain and establish this Constitution.” Article I, Section 2, says that “ all political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit.”	
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Republicanism	The people exercise their power by delegating it to representatives chosen by them through the election process.	The Constitution sets down a time frame for regular elections for all elected government positions. Article I provides for a bicameral U. S. Congress comprised of a House of Representatives all of whose members are elected every two years and a U. S. Senate whose members serve staggered six year terms. Article II provides for a President and a Vice President to be elected every four years. Article IV obligates the national government to guarantee each state “a republican form of government.”	



Republicanism	The people do not govern themselves directly, but instead, through elections they choose those who govern them.	Article I, Section 2, provides that “the faith of the people of Texas stands pledged to the preservation of a republican form of government...” Article III, Sections 3 and 4, provide respectively that Senators and Representatives shall be chosen by the qualified electors. Article IV Section 1, creates several offices in the Executive Department and Section 2 provides that “all the above officers of the Executive Department (except Secretary of State) shall be elected by the qualified voters of the state...” Article V, Sections 2 and 4, establish a Supreme Court and a Court of Criminal Appeals and provide that the Justices and Judges of both courts will be elected by the qualified voters of the state.	
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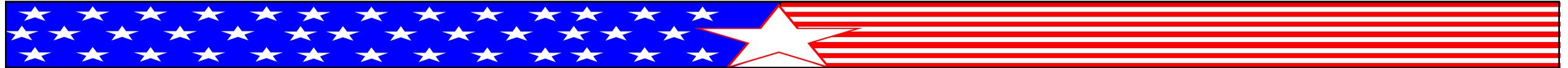


<u>Constitutional Principle</u>	<u>Explanation</u>	<u>Examples of How and Where it is Achieved</u>	<u>Participant Question</u>
Federalism	Power is divided between the central (national) government and the state governments. Some powers are concurrent and thus held by both levels of government (for example, the power to tax).	The Constitution lists powers delegated to the national government. For example, Article I, Section 8 contains a lengthy list of the powers of the U. S. Congress. Powers not delegated to the national government and not denied to the states are reserved to the states or to the people by the 10 th Amendment.	



Federalism	Texas is a state within the U.S. federal system. The U.S., Constitution lists the powers of the national government and powers denied to the states. The Tenth Amendment provides that powers not given to the U.S. and not denied to the states are reserved to the states or to the people.	Article I, Section 1 states that “Texas is a free and independent state...” and the perpetuity of the Union depend upon the preservation of the right of local self-government, unimpaired to all the states.” Article XVI, Section 12, provides that “no member of Congress, nor person holding or exercising any office of profit or trust, under the United States... shall hold or exercise any office of profit or trust under this State.” Various articles discuss education, railroads, and local governments. The U. S. Constitution contains no mention of any of these matters, thus indicating that in our federal system they are subjects largely left to the individual states.	
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<u>Constitutional Principle</u>	<u>Explanation</u>	<u>Examples of How and Where it is Achieved</u>	<u>Participant Question</u>
Separation of Powers	Power within the national government is divided among three separate branches: Legislative, Executive and Judicial.	Article I creates a Legislative branch and assigns that branch its duties and powers. Article II creates an Executive branch and assigns that branch its duties and powers. Article III creates a Judicial branch and assigns that branch its duties and powers.	



Separation of Powers	Power within the state's government is divided among three separate branches: Legislative, Executive, and Judicial.	Unlike the U. S. Constitution which does not specifically call for "separation of powers" within the national government, Article II, Section 1, of the Texas Constitution specifically provides that "the powers of the Government of the State of Texas shall be divided into three distinct departments, each of which shall be confided to a separate body of magistracy, to wit: those which are Legislative to one; those which are Executive to another, and those which are Judicial to another; and no person, or collection of persons, being of one of these departments, shall exercise any power properly attached to either of the others, except in the instances herein expressly permitted."	
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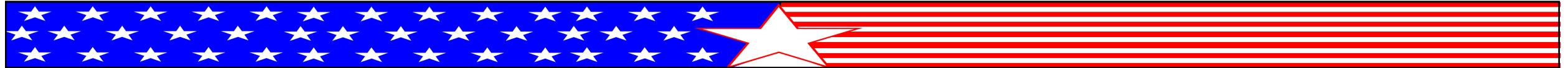


<u>Constitutional Principle</u>	<u>Explanation</u>	<u>Examples of How and Where it is Achieved</u>	<u>Participant Question</u>
Checks and Balances	Each branch of the national government has certain controls (checks) over the other two branches.	Article I, for example, gives Congress the power to impeach, try, convict, and remove from office officers of the other two branches. Article I also gives the President the power to veto any bill passed by the Congress. Article II gives the President the power to appoint judges of the Supreme Court and other federal courts. Article III does not specifically give the judicial branch any check over the other two branches, but the U. S. Supreme Court established a check called judicial review over the other two branches for itself in 1803 in a case called Marbury v Madison.	



Checks and Balances	Each of the three branches of Texas government has certain controls (checks) over the other two.	Article XV grants the Texas House of Representatives the power to impeach any executive officer of the state as well as judges of higher state courts. The Texas Senate has the power to try any individual whom the House impeaches. Article IV states that “every bill which shall have passed both houses of the Legislature shall be presented to the Governor for his approval.” Article IV authorizes the Governor to veto one or more items of an appropriations bill while approving the rest of such a bill. Article III, Section 40, provides that only the Governor can call a “special session” of the Legislature and that in a special session the Legislature can only consider subjects designated by the Governor. Although the Texas Constitution does not specifically provide for “judicial review,” the Texas Supreme Court interprets laws passed by the Texas Legislature and can declare them to be in violation of the Texas Constitution. The Court can do the same for actions of the Governor or executive agencies.	
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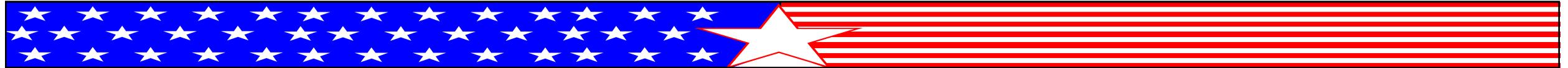


<u>Constitutional Principle</u>	<u>Explanation</u>	<u>Examples of How and Where it is Achieved</u>	<u>Participant Question</u>
Limited Government	<p>Government's power is limited by the rule of law which includes the Constitution and the laws which are passed in pursuance of that Constitution. This means that government is not all-powerful.</p>	<p>Limits on government, for example, are imposed by the rights guaranteed to the people by the U. S. Bill of Rights and by Article I, Sections 9 and 10. Also, the Supremacy Clause of Article VI makes the Constitution, only those laws made in pursuance of the Constitution, and treaties the "Supreme Law of the Land."</p>	



Limited Government	<p>The power of Texas government is limited by the Texas Constitution, the U.S. Constitution, laws made by the U.S. Congress in pursuance of the U.S. Constitution, and by treaties made by the U.S. with other nations of the world.</p>	<p>The Governor does not hire, cannot give orders to, or fire most of the other important officers in the executive branch. The Legislature can only meet in regular session biennially in odd numbered years only and only for 140 days. The judicial branch has not one but two highest state courts: the Supreme Court for civil cases only and the Court of Criminal Appeals for criminal cases only. The powers of all three branches are limited by the Texas Bill of Rights, by other parts of the Texas Constitution, and by the U. S. Bill of Rights and limitations imposed on all states by Article I, Section 10 of the U. S. Constitution. Finally, how much money the Legislature can spend is limited by Article III, Section 49a which requires that before the Legislature can pass any appropriations bill, the Comptroller of Public Accounts must certify that he/she expects revenue will be available to pay for the proposed expenditure.</p>	
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Individual Rights	Personal freedoms, personal protections, and equality under the law are guaranteed in the Constitution, the Bill of Rights, and laws of the U. S.	Article I, Section 9, for example, provides that the privilege of the writ of habeas corpus shall not be suspended except in time of rebellion or invasion, that no bill of attainder or ex post facto law shall be passed, and that no titles of nobility shall be granted. The U. S. Bill of Rights lists numerous other individual rights. Due process of law and equal protection of the law for all persons are guaranteed by the Fourteenth Amendment.	



Individual Rights	Personal freedoms, personal protections, and equality under the law are guaranteed by the U.S. Constitution, the U.S. Bill of Rights, laws of the U.S., the Texas Constitution, and the Texas Bill of Rights.	Article I, Section 10 of the U. S. Constitution, provides that no state shall pass any ex post facto law or bill of attainder or any law impairing the obligation of contracts. Article I of the Texas Constitution (the Texas Bill of Rights) provides for freedom of speech, press, religion, assembly, petition, etc. It also provides for the right to keep and bear arms as well as rights of the accused in criminal cases. Another section provides that “equality under the law shall not be denied or abridged because of sex, race, color, creed, or national origin.” It provides for some rights not found in the U. S. Bill of Rights. For example, Section 18 provides that “no person shall ever be imprisoned for debt,” and Section 30 outlines the rights of crime victims.	
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